

CHINA

The Chinese government continues to engage in systematic and egregious violations of freedom of religion or belief. Religious communities are growing rapidly in China and the freedom to participate in officially sanctioned religious activity increased in many areas of the country over the past year. All religious groups in China face some restrictions, monitoring, and surveillance, however, and religious freedom conditions deteriorated for communities not affiliated with one of the seven government-approved religious organizations, those considered by the government to be “cults,” and those closely associated with ethnic minority groups. Religious communities particularly targeted include Uighur Muslims, Tibetan Buddhists, “underground” Roman Catholics, “house church” Protestants, and various spiritual movements such as Falun Gong. There continue to be reports that prominent religious leaders and laypersons alike are confined, tortured, “disappeared,” imprisoned, or subjected to other forms of ill treatment on account of their religion or belief. Moreover, legal reforms, which were issued with the promise of increased religious freedom

protections, have not halted abuses and are used in some cases to justify arrests and other restrictions. Since 1999, the Commission has recommended that China be designated as a “country of particular concern,” or CPC. The State Department has followed the Commission’s recommendations and named China a CPC.

Throughout the past year, the government continued to take steps to implement the National Regulations on Religious Affairs (NRRA), issued officially in March 2005. The regulations maintain procedures whereby all religious groups and religious venues are required to affiliate with one of seven government sanctioned and sponsored religious organizations. Provisions in the NRRA specify conditions with which registered religious communities must comply in order to gain permission to conduct religious activity, provide social services, accept donations from overseas, and host inter-provincial religious meetings. The NRRA includes provisions that protect government approved religious activity and safeguard the property of religious groups. However, it remains the Commission’s conclusion that the NRRA strengthens governmental management of religious affairs, offering Party leaders more extensive control over religious groups and their activities. The NRRA also makes unregistered religious activity illegal and subject to restriction. In addition, vague national security provisions can be applied to any religious group deemed to disrupt national unity or solidarity. In many regions, local Religious Affairs Bureaus (RAB) pressure unregistered groups to register or merge with the government-sanctioned religious organizations. Religious groups that refuse registration have been shut down and their leaders have been detained or fined and, in some cases, made to face criminal prosecution.

In order to implement the NRRA at the local level, new regulations were introduced in Henan, Zhejiang, Anhui, and Shanxi provinces and in Beijing and Shanghai. The regulations generally mirrored provisions in the NRRA; in regions with a large number of unregistered religious groups, however, the regulations increased the level of governmental interference in religious practice. For example, in Henan, religious organizations applying for registration are required to submit information that includes complete membership lists, detailed descriptions of activities and sources of funding, and identification of their leadership.





Commissioner Bishop Ricardo Ramirez, right, with young monks at Drepung Monastery, Tibet.

The regulations also include vague provisions that “other materials as needed” will be required in the registration process, a standard that may be applied arbitrarily. In Zhejiang, provincial regulations specifically proscribe proselytizing, a term that is not defined in the regulation, and could be used arbitrarily to restrict religious teaching of any kind or to demand that it be conducted only in officially approved religious venues.

The Chinese government requires all religious organizations to become registered as a means for the government to manage religious activity and maintain control of independent religious institutions and practice. Some Catholics, Protestants, Muslims and spiritual movements have refused to join the officially-sanctioned religious organizations due to their reluctance to: 1) provide the government with the names and contact information of their followers; 2) submit leadership decisions to the government or to one of the government approved religious organizations; and 3) seek advance permission from the

The Chinese government acknowledges that more than 100 Tibetan Buddhist monks and nuns are being held in prison.

government for all religious activities or theological positions. In addition, these groups do not trust the leaders of the officially approved religious organizations because they have been complicit in arrests and restrictions placed on unregistered religious activity. As an example of government methods of interference in religious activities and procedures of registered religious groups, in July 2006, authorities from the RAB in Shanxi forced a pastor associated with the government-approved Protestant organization to quit his post because he had not received permission



Lhasa, Tibet

to invite a pastor from Hong Kong to speak in his church. Religious leaders at the same church were also warned that children should not be permitted to listen to Bible stories or attend services. During the past year, police have closed unregistered mosques, churches, and temples, many with large memberships and networks, in the provinces of Henan, Zhejiang, Xinjiang, Shanxi, Anhui, and Hebei. Since passage of the March 2005 Regulations on Religious Affairs, in some areas, problems have also continued with arbitrary denials of applications to register. For example, in Beijing, the Shouwang Church has twice filed papers to register following the procedures of the March 2005 regulations; on both occasions, however, its application was denied without any official statement on reasons for the rejection.

In recent years, Chinese leaders have continued a campaign to root out what they view as “foreign infiltration,” a campaign that has, in some cases, targeted individuals and religious organizations that attempt to maintain affiliation with co-religionists abroad, although such contact is affirmed in the UN Declaration on the Elimination of Religious Intolerance. The campaign originated from Politburo level leadership and has been carried out with the

most intensity in regions that have the largest number of unregistered religious activity and in ethnic minority areas, such as the Tibet Autonomous Region (TAR) and the Xinjiang Uighur Autonomous Region (XUAR). In January 2006, Politburo Member Jia Qingling stated that religious organizations must continually guard against foreign infiltration while working for greater unity among religious believers. The campaign is reflected in renewed efforts of Communist Party leaders in Tibet to undermine the influence of the Dalai Lama among Tibetan Buddhists. In August 2006, Zhang Qingli, the Party Secretary of the TAR stated in an interview with a German news magazine that the Dalai Lama was a “splittist,” a “false religious leader,” and that his actions had “destabilized Tibet.” Additionally, in May 2006, a South Korean pastor was expelled from China after he was detained during a police raid on a Bible study involving about 60 house church Protestants in Jiangsu Province.

During the year, the Commission, along with the State Department and several independent human rights organizations, noted a crackdown throughout the country targeting 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 manifest their right to freedom of religion. For example, prominent civil rights attorney Gao Zhisheng was arrested on August 15 and held without charges for over a month and his family was placed under house arrest. Gao was well known for his defense of religious leaders, his criticism of the crackdown on Falun Gong, and his outspoken open letters appealing to Chinese leaders to respect measures of their own law that protect human rights. On December 12, Gao Zhisheng, who had not been permitted to meet with his lawyer for the duration of his detention period, was tried in secret and forced to plead guilty on charges of incitement to subvert state power. His three-year sentence was eventually suspended and he was placed on probation for five years, during which time he will remain deprived of his political rights and under tight surveillance. Other human rights defenders who have been imprisoned, harassed, detained, or interrogated include Guo Feixiong, Fan Yafeng, Teng Biao, and Li Jinsong. The Commission expressed concerns that the crackdown reflects the unwillingness of the Chinese government to implement legal and political reforms that would offer Chinese citizens viable means to protect their human rights, especially rights to civil, political, and religious assembly.

In Xinjiang, conditions for freedom of religion and belief are particularly poor. Official Chinese government policy

in the XUAR is to stamp out “terrorism, separatism and religious extremism.” The government uses counterterrorism as a justification severely to curtail peaceful religious activity of the Uighur Muslim minority. During the last year, 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.” There are also a growing number of reports that 179 practitioners of the Sala order, a local Sufi branch of Islam, were arrested in August 2005 following a government ban on the movement. Some religious leaders and activists who attempt to publicize these and other abuses, or to voice their opposition to such policies, have received prolonged prison terms, or even death sentences, on charges of “separatism” and “endangering social order.” All imams in Xinjiang are required to undergo annual political training seminars to retain their licenses, and local security forces maintain a dossier on them to make sure they meet political requirements. Imams at Uighur mosques are reportedly required to meet monthly with officials from the RAB 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. Xinjiang officials continue to restrict severely the building of new mosques and the teaching of Islam to children.

During the Commission’s visit to China in August 2005, government officials confirmed that minors are restricted from participating in any religious activity or instruction before completion of nine years of compulsory education. The existence of such a policy contradicts statements made by Chinese central government officials who claimed that no restrictions exist prohibiting the religious activities of minors. Aminan Momixi, a woman in a rural area of Xinjiang, was arrested and detained in August 2005 for holding religious classes for 37 students in her home. Despite repeated inquiries, authorities in Xinjiang have refused to account for Momixi’s whereabouts. In several localities in Xinjiang, plainclothes police are reportedly stationed outside of mosques to enforce rules forbidding children and government employees from attending services. There are reports that in some areas, women and men under 30 are not allowed to attend 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, and observing Ramadan, as well as wearing head cover-

ings, and are reportedly subject to fines if they attempt to do so. Such standards are reportedly enforced more strictly in southern Xinjiang and in other areas of the XUAR where Uighurs account for a higher percentage of the population.

In response to concerted and persistent international pressure, Chinese authorities released Uighur human rights activist Rebiya Kadeer in March 2005. Since Ms. Kadeer’s exile, her family members have faced harassment and arrest. In June 2006, Kadeer’s three sons, Kahar, Alim, and Ablikim, were detained and placed under arrest in order to prevent them from meeting with a visiting Congressional delegation. On October 27, Kahar and Alim were tried on charges of tax evasion and Alim was later sentenced to seven years imprisonment. The two were also fined a total of over US\$75,000. In February 2007, the Kadeer family was informed that Ablikim was tried in secret on charges of subversion of state power. According to an official statement from the Chinese police, Ablikim was sentenced to nine



Urumqi, Xinjiang Province

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years imprisonment in April, however his whereabouts and physical condition remain unknown.

The Chinese government retains tight control over religious activity and places of worship in Tibet. The religious activities of monks and nuns are monitored, monasteries are administrated by government-approved management committees, selection and training of reincarnate lamas must receive government approval, and monks and nuns are required to participate in “patriotic education” programs run by government officials. The Chinese government acknowledges that more than 100 Tibetan Buddhist monks and nuns are being held in prison. Tibetan human rights groups claim that these prisoners are subject to torture and other ill-treatment. Reports indicate that government campaigns to promote the “patriotic education” of Buddhist monks in Tibet intensified beginning in April 2005. In July 2005, 18 monks were expelled from Sera Monastery in Lhasa for refusing to participate in “patriotic

education” sessions. Additionally, 40 nuns were expelled from Gyarak Convent in October for similar reasons. In November, five monks from Drepung Monastery in Lhasa were arrested and detained after they, along with several other monks, refused to renounce their loyalty to the Dalai Lama. During the Commission’s visit to Lhasa, government officials stated that it is not illegal for citizens to possess pictures of the Dalai Lama, but it is illegal to distribute them or to display them, since that could be interpreted as incitement to separatist activities. Despite this purported policy, in January 2006, authorities in Shigatse Prefecture reportedly arrested Phuntsok Tsering, the chant master of Magar Dhargyeling Monastery, on charges of possessing a portrait of the Dalai Lama. However, within the last year, diplomatic observers have reported an increase in the display of pictures of the Dalai Lama at Tibetan monasteries outside the Tibetan Autonomous Region (TAR). Both in May and in December, authorities in the TAR issued warnings to government workers and students that they should refrain from participating in celebrations of Tibetan Buddhist holidays.

Following a series of high-profile releases of and reduced sentences for Tibetan Buddhists between 2001 and 2005, the Chinese government has not responded to international calls for additional releases. In February 2005, the Chinese did release Phuntsog Nyidron, a nun who had been imprisoned since 1989, but placed her under strict house arrest and surveillance. The Commission was able to visit her in Tibet during its trip to China and later pressed the Chinese government to allow her to travel abroad for needed medical attention. She was permitted to travel to the United States in March 2006. The Chinese government continues to deny repeated international requests for access to the 18-year-old boy whom the Dalai Lama designated as the 11th Panchen Lama when he was six years old. Government officials have stated that he is being “held for his own safety,” while also claiming that another boy, Gyaltzen Norbu, is the “true” Panchen 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 boy was featured prominently at an international conference on Buddhism in Zhejiang Province in April 2006. The Dalai Lama and other prominent Tibetan religious leaders were not permitted to attend the conference. In January 2003, Tenzin Delek Rinpoche was arrested on charges related to a 2002 bombing incident and



Commissioners Richard D. Land, Felice D. Gaer, and Michael Cromartie, and USCIRF Executive Director Joseph R. Crapa at a hearing on Capitol Hill about religious freedom in China, January 2007.



A Buddhist monastery in Lhasa, Tibet

later sentenced to death. U.S. officials were promised that the evidence used to convict Tenzin Delek would be reviewed by the Supreme People's Court. After more than three years, the case has never been reviewed, though Tenzin Delek's death sentence was commuted to life imprisonment in January 2005. Additionally, Pawo Rimpoche, a reincarnate lama recognized by the Karmapa Lama in 1994, remains under strict surveillance and is not permitted to leave his monastery.

There are increasing and disturbing reports that China is actively seeking to prevent Tibetans from leaving the country and encouraging the forcible repatriation of those who seek asylum in Nepal or India. In late September, Chinese guards on the Nepalese border opened fire on a group of about 70 Tibetan refugees, resulting in the death of a 17-year-old nun. The group included a large number of monks, nuns and children who were seeking refuge in India in order to receive religious education that they would not be permitted to receive in Tibet. Eyewitness accounts and video footage confirm that the soldiers fired upon the group from a distance and that the group was unarmed. Following the shooting, soldiers took several members of the group into custody. One member, a 15-year-old boy, who later reached asylum in India, reported that those detained were tortured with cattle prods and forced to perform hard labor. Juvenile members of the group were eventually released after their families paid fines; the whereabouts of several adult members of the group, however, remain unknown.

Beginning with the banning of Falun Gong in 1999, the Chinese government has conducted a violent campaign against "evil cults" and "heretical sects." Tens of thousands of Falun Gong practitioners have been sent to labor camps without trial or sent to mental health institutions for re-education because of their affiliation with an "evil cult." Falun Gong practitioners claim that nearly 6,000 practitioners have been sent to prison and over 3,000 have died while in police custody. Some human rights researchers estimate that Falun

Gong adherents comprise up to half of the 250,000 officially recorded inmates in reeducation through labor camps. The UN Special Rapporteur on Torture reported that Falun Gong practitioners make up two-thirds of the alleged victims of torture. Given the lack of judicial transparency, the number and treatment of Falun Gong practitioners in confinement is difficult to confirm. During the Commission's August 2005 visit, high level Chinese government officials defended the crackdown on the Falun Gong as necessary to promote "social harmony."

Police continued to detain current and former Falun Gong practitioners and place them in reeducation camps. Police reportedly have quotas for Falun Gong arrests and target former practitioners, even if they are no longer practicing. In the past year, reports continued to surface regarding the re-arrest of Falun Gong practitioners who had been released after completing terms of imprisonment originating from the original crackdown in 1999 and 2000. For example, Bu Dongwei, a lawyer in Beijing working on legal aid issues for the Asia Foundation, was arrested for possession of Falun Gong-related literature. In addition, the Chinese government has reportedly continued to pressure foreign businesses in China to sign statements denouncing the Falun Gong and to refuse to employ the group's followers. Multiple allegations of government-sanctioned organ harvesting from incarcerated Falun Gong practitioners have surfaced within the last year. Independent investigation into the practices of a hospital in Sujiatun, Shenyang proved inconclusive. However, based upon a report on the allegations from two prominent Canadian human rights activists, several international human rights organizations have called for an independent investigation and continued international attention to allegations of such organ harvesting from prisoners.

The campaign against "evil cults" has, in recent years, expanded beyond the Falun Gong to include leaders of

long-established Protestant and Catholic groups. Over the past year, religious leaders have been imprisoned and followers detained and fined for “cultist activity.” Despite evidence that suggested witnesses had been threatened and tortured, leaders of the South China Church remain in jail facing serious charges. Family members alleged that the pastor of the church has been tortured while in prison. In August 2006, a female pastor in Inner Mongolia received a one-year sentence of “reeducation through labor” on charges of attempting to organize “cult related” activities. In November 2006, three leaders of the Three Grades of Servant Church were executed after conviction on murder and fraud charges and on charges of propagating an illegal cult. Lawyers claim that the case against the men was based upon confessions coerced through torture. At least 12 people have been executed in relation to the case in the past two years.

Relations between unregistered Roman Catholic congregations and the officially recognized Chinese Patriotic Catholic Association (CPA) are strained due to past government repression and the growing number of CPA bishops and priests secretly seeking ordination and approval of the Vatican. Chinese authorities continued to pressure unregistered Catholic clergy and laypersons to renounce ordinations approved by the Vatican and join the CPA or face fines, job loss, or detention. Also, in September 2006, Chinese officials refused to recognize a bishop in Shaanxi who was ordained with Vatican approval, but without government permission. The bishop was detained and forced to sign a document declaring the ordination illegal.



Commission Chair Felice D. Gaer testifying at a Congressional Human Rights Caucus briefing on Tibet and religious freedom in China, April 2007, with Lodi Gyari, special envoy for the Dalai Lama.

In late 2005, there were signs that the Vatican and Beijing were working toward accommodation regarding the approval and selection of bishops in the CPA. In Shanghai and in Xian, through a process of consultation, the Vatican and the Chinese government agreed upon candidates to replace two aging bishops. Despite this example, in April, May, and November of 2006, the Chinese government and the CPA ordained three bishops without Vatican consultation in Anhui, Kunming, and Xuzhou Dioceses. In addition, during these ordination ceremonies, security personnel from the RAB detained bishops and priests from other dioceses to pressure them to participate in the ordination proceedings. Officials in Fujian Province demolished a church in September 2006.

There remain at least 40 Roman Catholic bishops or priests under arrest, imprisonment, or detention, including the elderly Bishop Su Zhimin, who has been in prison, in detention, under house arrest, or under strict surveillance since the 1970s. On August 24, 2006, An Shuxin, Bishop Su's Auxiliary Bishop, was released after 10 years imprisonment. In February 2006, Father Lu Genjun, an underground priest of the Baoding Diocese in Hebei, was arrested at a local train station. No one has received notification of the charges against him or of his whereabouts. In March 2005, Bishop Zhao Zhendong of Hebei was detained along with two other priests; their current whereabouts remain unknown. Clergy in Hebei, Fujian, and Zhejiang provinces were harassed, detained, and arrested on questionable charges during the past year.

Conditions for unregistered Protestant groups in China remained poor during the last year. According to the State Department, in some regions of China, Protestant groups that refuse to affiliate with the government-sanctioned religious associations, either because of theological differences or political objections, are subject to intimidation, extortion, harassment, detention, as well as the forcible closure of their churches. In the last year, the Chinese government continued to raid house church meetings, fining and detaining pastors and lay leaders. In the last year, at least 110 Protestant leaders were detained for a period of 10 days or more, with at least 17 of these receiving prison sentences of one or more years.

In addition, the State Department estimates that “thousands” of house church members were detained for short periods in the last year. The majority of arrests and detentions occurred in Henan, Zhejiang, and Xinjiang provinces. In June 2006, Pastor Zhang Rongliang was sen-

tenced to seven and a half years imprisonment on charges of obtaining a false passport. In July 2005, Protestant Pastor Cai Zhuohua and two other relatives were sentenced to three years, two years, and 18 months in prison respectively for “illegal business activities,” stemming from their large-scale publishing of Bibles and Christian literature without government approval. In October 2006, Protestant Pastor Wang Zaiqing was sentenced to two years of imprisonment on similar charges. Observers report that the use of criminal charges to target Protestant leaders is a recent tactic used by Chinese authorities to halt religious activity conducted without government permission. During the last year, demolition of Protestant churches was reported in Zhejiang, Jilin, Fujian, Anhui, and Inner Mongolia provinces; churches in the cities of Guangdong and Shandong were forced to close. In July 2006, officials demolished a church under construction in Zhejiang Province and arrested hundreds of its members. Several were beaten during interrogation and forced to pay fines in order to secure their release. In January 2007, eight leaders from this church were sentenced to prison terms ranging from one to three and a half years.

Religious freedom conditions vary by region for unregistered Protestant congregations and, in some parts of the country, unregistered “house churches,” which range in size from a dozen to several hundred members, meet openly and with the full knowledge of local authorities. For example, in Yanbian Korean Autonomous Prefecture, Protestant leaders report that unregistered house churches are able to maintain their activities without interference from authorities. In other provinces, local officials have great discretion in determining whether “house churches” are allowed to exist. Protestant “house churches” encounter difficulties when their membership grows, when they arrange for the regular use of facilities, or when they forge links with other unregistered groups or with coreligionists overseas. The Chinese government’s 1997 White Paper on Religion states that it is unnecessary for “small groups of families and friends” who meet in homes to register their activities with the government. Chinese government authorities reiterated this claim during meetings with a delegation of USCIRF Commissioners in Beijing in August 2005. Provincial-level regulations also include language that permits “religious life in the home.” Within the last year, however, police conducted raids on hundreds of house church gatherings, confiscated literature, detained and questioned participants, and, in some cases, tried and imprisoned house church leaders. Such raids occurred most frequently

in Henan and Zhejiang, where the majority of Protestant religious activity occurs, and in Xinjiang, where oppressive policies on religious affairs are more strictly implemented.

In January 2007, the Commission held a public hearing to receive testimony on religious freedom conditions in China and to discuss policy options that the United States might pursue to improve religious freedom and related human rights conditions. Witnesses included an expert



Mosque in Kashgar, Xinjiang Province



Women in Lhasa, Tibet

panel featuring the former Senior Director for Asian Affairs at the National Security Council and the Executive Director of the NGO Human Rights in China NGO. A second panel of witnesses included representatives from several major religious communities in China, including Tibetan Buddhists, Uighur Muslims, unregistered Catholics, house church Protestants, and Falun Gong. All witnesses who appeared on the panel confirmed that implementation of the March 2005 regulations on religious affairs had not led to any improvements in conditions of religious freedom for their respective religious denomination.

In April 2006, then-Commission Chair Michael Cromartie offered remarks at a reception held by the International Campaign for Tibet to welcome Phuntsok Nyidron to the United States. Also in April, the Commission co-hosted a roundtable discussion with the National Endowment for Democracy focusing on religion and the rule of law in China, featuring presentations from academic experts on rule of law and political development in China. Participants discussed China's implementation of the March 2005 NRRA and the various practices of implementing the policy in different regions of China. In May, the Commission hosted an additional roundtable for follow-up discussions on the same topic with a visiting delegation of Chinese human rights lawyers who have defended several prominent religious freedom-related cases.

In April 2006, Commissioners Cromartie and Felice D. Gaer co-authored an op-ed piece in the *New York Sun* calling on President Bush to raise concerns of religious freedom and

related human rights during meetings with Chinese President Hu Jintao that were soon to occur in Washington.

In August 2005, a Commission delegation made a two-week visit to China to engage senior government officials on Chinese policies and practices relating to religious freedom. During the visit, the delegation traveled to the cities of Beijing, Shanghai, Chengdu, Urumqi, Kashgar, and Lhasa. The Commission delegation raised questions about Chinese law and international human rights norms, the control and management of religious affairs, new regulations on "cults" and religious affairs, the situations in Xinjiang and Tibet, religious education of minors, and other matters relating to freedom of religion or belief, as well as the condition of North Korean asylum-seekers in China.

H. Con. Res. 365, introduced in March 2006 and passed in the House of Representatives, contains Commission findings regarding the practices of the Chinese government to suppress the religious freedom of unregistered religious communities and to severely persecute those associated with groups labeled as "evil cults," such as the Falun Gong. The resolution called on the Chinese government to cease harassment of civil rights lawyer Gao Zhisheng and to remove legal and political obstacles for lawyers attempting to defend criminal cases in China, including those associated with politically and religiously sensitive defendants.

In addition to recommending that China be designated a CPC, the Commission has made the following recommendations concerning U.S. policy toward China.

1 Ending Human Rights Abuses in China

The U.S. government should continue to urge the Chinese government to end severe violations of religious freedom and other human rights and continue to allow effective monitoring of international human rights norms by various United Nations bodies and the U.N. High Commissioner for Human Rights. To this end, 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 manifestation of 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 or detained on account of their manifestation of religious belief in contravention of international human rights standards;
- issue a national decree that renders provincial or local regulations obsolete and that guarantees the right of minors to manifest their religion or belief and the liberty of parents to ensure the religious and moral education of their children consistent with their own beliefs;

- establish a mechanism for reviewing cases of persons detained under suspicion of, or charged with, offenses relating to state security, disturbing social order, “counter-revolutionary” or “splittist” activities, or organizing or participating in “illegal” gatherings or religious activities. This mechanism should also review cases of detained or imprisoned religious leaders, many of whom have been charged with specious criminal offenses;
- extend an unconditional invitation to the UN Special Rapporteur on the Independence of Lawyers and Judges to China, and allow the Rapporteur full access in compliance with the terms of reference required by the Special Rapporteur; and
- determine dates for a visit to China by the UN Special Rapporteur on Freedom of Religion or Belief, in accordance with the terms of reference required by the Special Rapporteur.

In addition, the U.S. government should:

- raise publicly concerns about Chinese human rights abuses in multi-lateral fora, including at appropriate UN bodies or other international and multi-national fora, and ensure that preparations for such actions be made at appropriately high levels and with the widest possible support from other UN member states.

2 Building on Existing Efforts to Improve the Rule of Law in China

The U.S. government should make the promotion of the rule of law a greater priority of U.S. human rights diplo-

macy in China. To this end, the U.S. government should continue to urge the Chinese government to:

- ratify and implement the International Covenant on Civil and Political Rights (ICCPR), which China signed in 1998;
- 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 bilateral and multilateral discussions and exchanges;
- 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 defending religious freedom or related rights or violations on account of religion or belief;
- 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; and
- end the use of government filters on web sites and e-mail and remove official restrictions on Internet

message boards and text messaging, including blockage of access to certain web sites related to religion, belief, or human rights; 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.

3 Building Programs to Support Chinese Rights Defenders

The U.S. government should support programs that will strengthen the ability of Chinese lawyers and activists to defend religious freedom or related rights or violations on account of religion or belief, advocate state policies that comport with international standards and support of a vibrant civil society and media. To this end, the U.S. government should support initiatives that promote the following goals:

- through the State Department's Human Rights and Democracy Fund, institute new programs that:
 - increase the capacity and networking ability of non-governmental organizations in China that are addressing issues of human rights, including religious freedom, as well as the freedoms of expression, association, and assembly,
 - expand contacts between U.S. human rights experts and Chinese government officials, academics, representatives of both registered and unregistered religious communities, and non-governmental organizations on international

standards relating to the right of freedom of religion or belief; on the importance and benefits of upholding human rights, including religious freedom; on reforms to the Chinese criminal justice system, including planned changes in the criminal procedure code; and on the role of defense lawyers; and

- increase consultations between international human rights experts and Chinese officials, judges and lawyers on the compatibility of Chinese laws, regulations, and practices with ICCPR standards on freedom of religion or belief;
- through the newly instituted Human Rights Defenders Fund, make support available to Chinese lawyers and others who defend the internationally recognized rights of individuals and communities targeted because of their religious belief or practice.

4 Expanding U.S. Outreach and Public Diplomacy 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 would be able to monitor religious freedom and other human rights conditions; and
- strengthen its efforts to highlight conditions faced by Uighur Muslims and Tibetan Buddhists by:
 - increasing the number of educational opportunities in the United States that are available to religious and other leaders from these regions, in order to enhance their understanding of religious free-

dom and other human rights according to international standards;

- creating legal clinics to assist those in areas of high concentrations of Uighur Muslim and Tibetan Buddhist populations to enforce their human rights under the Chinese Constitution and international law, building on existing programs that serve other ethnic minority areas in China;
- expanding ongoing assistance to civil society programs that promote Tibetan culture, language, and social welfare and developing similar programs for Uighurs; and
- as the Broadcasting Board of Governors modifies its global priorities, ensuring continued availability of funds to maintain appropriate Tibetan and Uighur language broadcasting through Voice of America and Radio Free Asia.

5 The U.S.-China Senior Strategic Dialogue and Promotion of Human Rights

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

- continue to prioritize human rights and religious freedom issues as a key item within the agenda of the Senior Dialogue, raise a full range of religious freedom concerns in high-level discussions at each dialogue session and, where appropriate, invite human rights experts from within the State Department and other U.S. government agencies, as well as non-governmental experts, to participate in both pre-Dialogue planning and actual negotiating sessions; and

- ensure that religious freedom priorities raised in the Senior Dialogues are backed by 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.

In addition, 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 regular public report to the appropriate congressional committees detailing issues of concern discussed during the Senior Dialogue, or any future bilateral human rights dialogues, and describing progress made toward a series of “benchmarks” initiated by Congress.

6 Raising the Profile of Religious Freedom and Related Human Rights Promotion through the 2008 Olympic Games in Beijing

The U.S. Congress should:

- within funds appropriated for the security of U.S. citizens in Beijing during the 2008 Olympic Games, allocate sufficient resources to ensure that training and related information materials include content that:
 - instructs security officials, Olympic spectators, and athletes regarding China’s commitments to uphold for all visitors certain internationally recognized human rights standards during the Olympic Games; and
 - informs U.S. citizens, participants, and spectators at the Olympic games of their rights protected un-

der international law and identifies problem areas they may encounter with Chinese authorities, relating to the freedoms of expression, religion or belief, assembly, and association, including information on Chinese law and recent human rights practices of the Chinese government on these issues;

- as part of such authorizations, designate consultations during the training process with the U.S. Commission on International Religious Freedom and relevant non-governmental organizations; and
- in order to promote a free and open environment, in concert with the principles of the International Olympic Committee (IOC) and the standards of the International Covenant on Civil and Political Rights, designate appropriate funding to independent human rights organizations to monitor and report on human rights conditions during the summer games to ensure that the Chinese government is in compliance with relevant commitments made to the IOC to uphold human rights and international standards during the Summer Olympics.

7 Addressing the Conditions of North Koreans in China

The U.S. government should continue to urge the Chinese government to protect North Koreans in China. To this end, the U.S. government should urge the Chinese government to:

- uphold its international obligations to protect asylum seekers by (1) working with the UN High Commissioner for Refugees (UNHCR) to establish a mechanism to confer at least temporary asylum on those seeking such protection; (2) provide

the UNHCR with unrestricted access to interview North Korean nationals in China; and (3) ensure that any migrants who are being returned pursuant to any bilateral agreement are not potential asylum seekers refouled in violation of China’s obligations under the 1951 Refugee Convention and its 1967 Protocol;

- allow greater numbers of North Korean migrants who desire resettlement to have safe haven and secure transit until they reach third countries;
- grant legal residence to the North Korean spouses of Chinese citizens and their children; and
- allow international humanitarian organizations greater access to North Koreans in China to address growing social problems experienced by this vulnerable population, including child and sexual trafficking and forced labor.