

**Felice D. Gaer, Vice Chair
U.S. Commission on International Religious Freedom**

July 24, 2003



I am grateful for the opportunity to testify before this Commission on religious freedom conditions in China. The members of the Commission are to be commended for holding this important hearing. I would like to submit this statement for the Commission's record.

Since its establishment, the United States Commission on International Religious Freedom (USCIRF) has spoken out about the widespread and serious abuses of the right to freedom of religion and belief in China. It has provided numerous policy recommendations regarding the steps that the U.S. government should take to encourage the protection of religious freedom in China.

The topics discussed here today are particularly timely. In less than two weeks, the USCIRF will be traveling to China for the first time. We plan to visit Tibet as well as other parts of China. On our return, we look forward to reporting our findings to the Congress.

Political Leadership Changes

The face of China's political leadership has undergone major changes in the past year. The transition from the leadership of Jiang Zemin to Hu Jintao has gone smoothly, but it remains unclear to many observers whether the change in power will impact the policies of the

Communist Party. If the past is any guide, we can expect the party to pursue a policy of gradual economic liberalization coupled with severe restrictions on political dissent and religious freedom.

In the area of human rights, we know that severe restrictions on religious and political liberties are authorized at the highest levels of the Communist Party. Many of China's new leaders, including Hu Jintao himself, have been intimately involved in forming and implementing the government's repressive policies on religion and ethnic minorities. This fact, along with the fact that many of Jiang Zemin's allies continue to occupy key positions overseeing religious affairs and legal reform, signals that the prospect is poor for immediate improvement in China's record on religious freedom. Indeed, we fear it might even deteriorate.

However, the recent transition offers us a chance to reassess the U.S. government's approach toward protecting and promoting religious freedom in China.

Religious Freedom Conditions

Today, Chinese government officials continue to claim the right to control, monitor, and restrain religious practice, purportedly to protect public safety, order, health, and so forth. However, the government's actions to restrict religious belief and practice go far beyond what is necessary to legitimately protect those interests; in other words, far beyond what is permissible under international law. While China's Constitution provides its citizens with the "freedom of religious belief," it does not protect the right to manifest religious beliefs, highlighting the importance for China to ratify the International Covenant on Civil and Political Rights (ICCPR), which contains explicit provisions on the right to freedom of thought, conscience, and religion, and which it signed in 1998.

The crackdowns against religious believers are believed to be sanctioned at the highest levels of government. Indeed, Chinese laws, policies, and practices severely restrict religious activities, including contact with foreign religious organizations, the training and appointment of spiritual leaders, and religious education for children in accordance with the convictions of their parents. As a result of government policies and practices, persons continue to be confined, tortured, imprisoned, and subject to other forms of ill treatment on account of their religion or belief. Prominent religious leaders such as the Tibetan Buddhist teacher Tenzin Delek Rinpoche and Catholic Bishop Su Zhimin remain detained on questionable charges for one and six years, respectively. A young boy, Gendun Choekyi Nyima, "disappeared" in 1995 after he was recognized by the Dalai Lama as the 11th Panchen Lama - the second highest-ranking leader in Tibetan Buddhism. The Chinese government continues to insist that it

does not have knowledge of Bishop Su's whereabouts. The government also continues to deny foreign diplomats and human rights monitors, including UN representatives, access to the boy. Tenzin Delek Rinpoche was reportedly denied access to legal representatives. In July 2003, local officials reportedly raided a house church in Zhejiang province, arresting at least six leaders, including the 80-year-old founder of the church, Shao Cheng Shen.

The Chinese government has also reserved for itself the right to determine the legality of religious activities and the legitimacy of religious leaders. In 1999, the Standing Committee of the National People's Congress adopted a resolution, which has the force of law, to ban all "heretical cult organizations." Judicial explanations issued by the Supreme People's Court defined "cult organizations" as "illegal organizations that are set up using religions, qigong, other things as a camouflage,...confuse, poison, and deceive people,...and endanger the society by fabricating and spreading superstitious heresies." Article 300 of the Criminal Law as amended in 1997 provided punishments for those "organiz[ing] and utiliz[ing] superstitious sects, secret societies, and evil religious organizations" to commit crimes. Under these laws, groups like the Falun Gong and several unregistered Christian churches that have been designated as "cults" by the government have suffered tremendously.

According to Falun Gong practitioners, as many as 100,000 have been sent to labor camps without trial. They claim that as many as 700 may have died as a result of police brutality either while in prison or after their release. Protestant church leaders have been arrested and sentenced to lengthy prison sentences for engaging in "cultic" activities. In December 2001, for the first time since the adoption of the 1999 "evil cult" law, a Protestant pastor, Pastor Gong Shengliang, was sentenced to death for founding an "evil cult" and questionable criminal charges of rape. The terms off the sentence were only reduced after U.S. intervention at the highest level. In July 2002, three priests affiliated with the underground Catholic Church were reportedly sentenced to three years in a labor camp after having been convicted of practicing "cult" activities.

In many parts of China, even when religious organizations wish to register with the government, they face resistance and oppression from local officials. For example, in June 2003, 12 members of a house church in Yunnan province were reportedly arrested for engaging in "feudalistic superstition" after they officially sought registration with the government with the local government. Eight members of the church are reportedly being detained indefinitely.

The Chinese government has ratified and reported on compliance with the Convention on the

Elimination of All Forms of Discrimination Against Women (CEDAW). However, the government continues to violate the human rights, including religious freedom, of Chinese women. Female religious persons, including Falun Gong practitioners such as Zheng Donghui and Yang Jinxing, were reportedly stripped, beaten, and subjected to other forms of ill treatment while in detention. There continues to be concern, as enunciated by the Committee on the Elimination of All Forms of Discrimination Against Women, that government officials are engaging in violent and coercive measures, including "forced sterilizations and abortions, arbitrary detention and house demolitions," as a part of the population control policy, "particularly in rural areas and among ethnic minorities." In April 2003, the UN Special Rapporteur on Violence Against Women expressed concern that the Chinese government has continued to engage in such practices in Tibet.

In Xinjiang and Tibet, religious freedom is severely curtailed by the government, which linked religion with "separatist" or "terrorist" acts. In January 2003, Wang Lequan, Xinjiang's Communist Party Secretary and a member of the Politburo, reportedly stated the government's resolve to wipe out "religious extremists," "splittists," and "terrorists." As a result, Uighur Muslim clerics and students have reportedly been detained or arrested while "illegal religious centers" were closed. In July 2003, in an effort to draw attention to the plight of the Uighur Muslims, the USCIRF held a roundtable discussion among senior U.S. officials, experts, and NGO representatives, where, among other things, we learned about the extent of the government's tight control over religious affairs in Xinjiang, which was carried out through the close supervision of all mosques in the region by local Communist Party officials. Meanwhile, hundreds of Tibetan Buddhist monks and nuns remain in prison for voicing their allegiance to the Dalai Lama and their opposition to Chinese rule. According to the Tibet Information Network, the State Department, and the testimony of former Tibetan nuns like Ngawang Sandrol, many of them have been severely beaten and subjected to other extreme forms of punishment. Some of them have died in prison.

The USCIRF has focused considerable attention on the plight of the North Korean refugees. Through its public hearing in January 2002, investigative trips to South Korea and Japan, and regular consultation with policy experts and human rights advocates, the USCIRF has received numerous reports concerning the conditions North Korean refugees in China. The USCIRF has also testified before the Congress on this issue.

China is a party to both the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol to that convention. Under these treaties, China has committed to not expel or return refugees to a country where their life or freedom would be threatened on account of their religion or other status. However, since 2000, Chinese officials have forcibly repatriated many of the 30,000 - 300,000 North Korean refugees who are now in China to escape the dire conditions in North Korea, including the denial of religious freedom in that country. Not only

does the Chinese government refuse to grant refugee status to these North Koreans, it also does not allow the UNHCR to conduct interviews to assess refugee status or to provide services to them.

Recommendations for U.S. Policy

Three aspects have characterized recent U.S. policy to advance religious freedom and other human rights in China. First, the treatment of religious persons has been raised by President Bush and Secretary Powell directly to the senior Chinese leadership. Second, the U.S. has raised cases and sought release of those detained or imprisoned in violation of their human rights, including on account of their religion or belief. Third, the U.S. funds a multi-million dollar program to promote democracy and the rule of law.

These efforts contributed to the positive developments of 2002, particularly with respect to Tibet. In that year, six Tibetan political prisoners were released from imprisonment. The Chinese government invited the older brother of the Dalai Lama to visit China, paving the way for a visit by the Dalai Lama's special envoy in fall 2002. Indeed, citing "significant but limited progress" in a number of areas stemming from the December 2002 human rights dialogue, the State Department announced in April 2003 that it would neither propose nor sponsor a resolution censuring China's human rights practices at the 2003 UN Human Rights Commission meeting.

One development cited as a reason for the State Department's decision was the Chinese government's reported agreement to invite UN human rights mechanisms and special rapporteurs, including the Special Rapporteur on Freedom of Religion or Belief, to visit China without conditions. However, these have not taken place and there are reports that the conditions remain the same as in the past.

Furthermore, even as some religious and political prisoners were released, during this entire period, there has apparently not been any systemic improvement in China's protection for freedom of religion or belief. Despite the efforts of senior U.S. officials like the Ambassador-at-Large for International Religious Freedom John Hanford, who has pressed the Chinese government to agree to the establishment of an inter-agency working group of appropriate Chinese government agencies that will serve as points of contact with the U.S. government to address religious freedom violations, the Chinese government has reportedly not taken any meaningful actions to bring about substantial improvements in the conditions of religious freedom in China. In fact, since the conclusion of the national religious affairs work meeting in December 2001, experts and others have said that the central government has

tightened its control over religious affairs.

The State Department has recently changed its assessment of the human rights conditions in China. By the Department's own admission, China's conditions of human rights, including religious freedom, have deteriorated, citing the execution of Lobsang Dondrup, the arrests of pro-democracy activists, the forced repatriation of Tibetans in Nepal, and other human rights violations.

This continued lack of systemic changes in the religious freedom conditions in China raises questions regarding the effectiveness of the U.S. policy during a period when the U.S. has sought Chinese support in the UN on Iraq and to help defuse the nuclear crisis in North Korea. Any re-assessment of U.S. policy must also take into account of past failures on the part of the U.S. government to condition the expansion of the bilateral economic relationship and China's entry onto the international scene through the hosting of such public events as the Olympics on substantial improvements in China's religious freedom and human rights practices. In the remainder of this presentation, the USCIRF would like to offer some policy options for what the U.S. government can do to advance protections for freedom of religion or belief in China.

First, the State Department should use the full range of policy tools available under the International Religious Freedom Act of 1998 (IRFA) to take additional actions with respect to China. The Secretary of State has designated China as a "country of particular concern" (CPC) under IRFA for its egregious violations of religious freedom. However, the Secretary has determined that pre-existing sanctions satisfied the IRFA requirements. While the reliance on pre-existing sanctions may be technically correct under the statute, it is not defensible as a matter of policy. Moreover, reliance on pre-existing sanctions provides little incentive for governments like China to reduce or end severe violations of religious freedom.

Second, the State Department should provide to the Congress its evaluation of the impact that current U.S. rule of law and democracy programs have on the promotion of religious freedom and other human rights in China. According to the recent State Department report on the U.S. efforts to promote human rights and democracy in China, the U.S. government supports a "wide range of programs" designed to promote, among other things, "respect for freedom of religion." Yet, no information about religious freedom-specific programs was provided and there is no information in that report about the impact that rule of law and democracy programs have had on the actual advancement of religious freedom, or other human rights, in China.

Third, the U.S. government should enhance its public diplomacy efforts, focusing serious attention on the plight of the Uighur Muslims and Tibetan Buddhists. The U.S. government should seek expanded opportunities to speak frankly and directly to the Chinese people to express why the U.S. government, on behalf of the American people, is concerned with violations of internationally recognized human rights, including freedom of religion or belief. President Bush and Assistant Secretary Craner have done so during their visits to China, and the USCIRF is seeking a similar opportunity during its upcoming visit.

The expansion of broadcasts by Radio Free Asia and the Voice of America are also important to this effort. In addition, the U.S. government should support exchanges between Chinese, including Tibetans and Uighurs, and U.S. scholars, experts, representatives of religious communities and non-government organizations, and appropriate officials regarding the relationship between religion and the state, the role of religion in society, international standards relating to the right to freedom of religion and belief, and the importance and benefits of upholding human rights, including religious freedom.

Fourth, the U.S. must be consistent in our message that religious freedom will remain a priority in U.S. foreign policy and in our assessment of progress in China's human rights practices. China must know that we will continue to raise this issue until they fully comply with their international obligations. As a key component of this effort, until China significantly improves its protection of religious freedom - systemic improvements that will prevent further serious violations - the U.S. should propose and promote a resolution to censure China at the UN and its Commission on Human Rights. This is extremely important as the U.S. stands virtually alone in striving to focus world attention on China's specific violations of human rights.

Conclusion

Mr. Chairman, as China continues its political and economic transformation, the United States must consistently remind the Chinese government that the protection of human rights, including religious freedom, is critical to strong and vibrant society and economy. The rights of the Chinese people must be protected, and the United States should be prepared to assist in this regard.

Thank you for the opportunity to testify. I look forward to your questions.