

May 3, 2000: "Accession of China to the WTO."

Testimony Of Elliott Abrams

on behalf of

The U.S. Commission On International Religious Freedom
to the Committee On Ways and Means

on: PNTR for China

May 3, 2000

Mr. Chairman and Members of the Committee:

On behalf of the United States Commission on International Religious Freedom, of which I have the honor to be a member, I wish to thank the Committee for this invitation to testify about the granting of permanent normal trade relations to China.

The Commission, established by Congress in the International Religious Freedom Act of 1998, is charged with the responsibility of advising the President, the Congress, and the Secretary of State on matters involving international religious freedom. Just two days ago we issued our first annual report. The Commission has nine voting members who come from both political parties and several religions-- and several of us are strong free traders. Yet we were unanimous in our Report in asking Congress not to grant PNTR to China at this moment.

Our reasoning is stated in our Report:

The Commission believes that in many countries, including some of China's neighbors, free trade has been the basis for rapid economic growth, which in turn has been central to the development of a more open society and political system. This belief has been a major factor for the annual decision, by presidents and congressional majorities of both parties, to grant "most favored nation" (MFN) trade relations with China each year over the past two decades. Moreover, a grant of PNTR and Chinese membership in the World Trade Organization may, by locking China into a network of international obligations, help advance the rule of law there in the economic sector at first, but then more broadly over time.

Nevertheless, given the sharp deterioration in freedom of religion in China during the last year, the Commission believes that an unconditional grant of PNTR at this moment may be taken as a signal of American indifference to religious freedom.

The government of China attaches great symbolic importance to steps such as the grant of PNTR, and presents them to the Chinese people as proof of international acceptance and approval. A grant of PNTR at this juncture could be seen by Chinese people struggling for religious freedom as an abandonment of their cause at a moment of great difficulty. The Commission believes that Congress should not approve PNTR for China until China makes substantial improvements in respect for religious freedom...."

What happened in China to lead us to this unanimous conclusion? The very limited religious freedom Chinese enjoyed in the past is under attack. The situation is worse than at any time since the Cultural Revolution.

The underlying conditions are clear. They have been reported by the State Department and by many human rights organizations in detail, and are summarized in the Staff Memorandum for the Chairman that accompanies our own annual report and is posted on the Commission's Web site, www.uscirf.gov.

Here are some highlights:

Religious freedom is denied to the people of China, and the right to educate one's children in one's religion is denied. In January, Premier Zhu Rongji and others gave speeches stressing the importance of controlling all forms of religious activity.

Using the "anti-cult" provisions of the Criminal Code, thousands of Chinese in Falun Gong and other groups were beaten and arrested this past year because the Chinese regime found their spiritual and religious activity to be a political threat. Some have received long prison terms. Millions of religious books have been burned. It is worth adding that this crackdown clearly violates China's promises to respect internationally-guaranteed rights to freedom of religion.

The regime continues to forbid freedom of religion in Tibet, and continues its suppression of Tibetan Buddhism and its punishment of any expression of religious loyalty to the Dalai Lama. This past year,

another key religious figure, the Karmapa Lama, fled into exile. Over 1,000 monks and nuns were expelled from their monasteries in 1999, and over 11,000 have been expelled since 1996. Monks and nuns who resist re-education are still being jailed and tortured, and last year three monks in their twenties died from injuries suffered in prison.

Persecution of Catholics loyal to the Pope, and of Protestant groups operating outside government supervision, the so-called "house churches," and of Muslims in Xinjiang, was intensified. Churches and religious schools established without prior approval were destroyed. In 1999 and this year, worshipers continued to be detained, beaten, jailed, and fined. Efforts to tighten control over Chinese Catholics were increased, and many Catholic clergy loyal to the Vatican have been detained in recent months. Bishop Yan Weiping was detained in May 1999 while performing mass and was found dead on a street shortly after being released from detention. A number of Catholic bishops remain under detention. In January 2000 the government had the official Catholic church ordain five new bishops without the approval of the Vatican or local dioceses; two of them replaced bishops detained by the government in 1999. Scores of Protestant "house church" leaders have been detained.

The Commission concluded that passage of PNTR at this juncture would send a powerful message to the government of Beijing that we don't much care about all of this-- and perhaps as tragically, send the same message to millions of Chinese believers struggling to practice their religion.

We therefore believe that the U.S. Congress should not approve Permanent Normal Trade Relations for China until China makes substantial improvements in respect for religious freedom, as measured by the following standards: establishment of a serious dialogue with the United States on religious freedom concerns; ratification by China of the International Covenant on Civil and Political Rights, which it signed in 1998 but has never ratified; access to religious leaders, including those under detention, for international human rights organizations, by the Commission itself, and respected international human rights organizations; detailed responses by the Chinese government to inquiries about individuals known to be imprisoned for reasons of religion or belief; and the release from prison of all persons incarcerated for religious reasons.

We also ask the following of our own government:

that you in Congress hold annual hearings on human rights in China; that the United States continue to press resolutions about human rights in China each year in the UN Human Rights Commission, and do it seriously and at the highest level; that you invite the Dalai Lama, an international symbol of religious freedom and non-violence, to address

a joint session; that the US help lead a campaign to seek the release of Chinese religious leaders imprisoned or under house arrest; that the United States raise the profile of conditions for Uighur Muslims in Xinjiang, in diplomatic discussions and in Uighur language radio broadcasting; and finally that until significant progress has been made in religious freedom and human rights in China, the United States should use its influence to ensure that China not be selected as the site for the Olympic Games.

The full text of the Commission's recommendations on China in its May 1, 2000 Report follows this statement.

Mr. Chairman, the state of religious freedom in China is poor and is deteriorating. To repeat our unanimous conclusion,

"Given the sharp deterioration in freedom of religion in China during the last year, the Commission believes that an unconditional grant of PNTR at this moment may be taken as a signal of American indifference to religious freedom....A grant of PNTR at this juncture could be seen by Chinese people struggling for religious freedom as an abandonment of their cause at a moment of great difficulty. The Commission therefore believes that Congress should not approve PNTR for China until China makes substantial improvements in respect for religious freedom...."

Mr. Chairman, on my own behalf and on behalf of all the members of the U.S. Commission on International Religious Freedom, I thank you for this opportunity to appear here today.

The following is the China section of the Recommendations of the United States Commission on International Religious Freedom in its May 1, 2000 Annual Report

B. The People's Republic of China

1. Background on China

The government of China and the Communist Party of China (CPC) discriminate, harass, incarcerate, and torture people on the basis of their religion and beliefs. Chinese law criminalizes collective religious activity by members of religious groups that are not registered with the state. It registers only those groups that submit to membership in one of the government-controlled associations affiliated with the five officially recognized religions. Members of registered religious groups can only engage in a limited range of what the state deems "normal" religious activities.

The religious and belief communities that resist registration or that have been denied permission to register, including Catholics loyal to the Pope and Protestants who worship in "house churches," have no legal standing in China. Adherents are often harassed, detained, and fined. Meetings are broken up, unauthorized buildings are destroyed, and leaders are arrested and frequently imprisoned.

Over the past several years, Chinese officials have been employing increasingly strict laws and regulations as instruments to harass religious groups and maintain control over religious activities. Officials responsible for enforcing the strict laws continue to be guided by CPC policy directives on religion. Furthermore, the Chinese legal system does not protect human rights from state interference, nor does it provide effective remedies for those who claim that their rights have been violated. Thus, this Commission finds that even though the Chinese government modified its means of state control by moving to a system of regulation of religion according to law, it has not improved the conditions of religious freedom in China.

The right to freedom of religious belief is explicitly denied to the 60 million members of the CPC, and the 3 million members of the Chinese military, and to hundreds of millions of minors under the age of 18, whose education the government monopolizes.

The new "anti-cult" provision of the Criminal Code is being used to impose long prison sentences on leaders of the Falun Gong and Zhong Gong spiritual movements as well as Protestant house church leaders.

Chinese authorities exercise tight control over Tibetan Buddhist monasteries, select and train important religious figures, and wage an invasive ideological campaign both in religious institutions and now among the Tibetan people generally.

Chinese authorities similarly exercise tight control over the Uighur Muslims in Xinjiang in northwest China. There are credible reports of thousands of arbitrary arrests, the widespread use of torture, and extra-judicial executions.

This Commission concludes that the practices of the Chinese government and the CPC with respect to freedom of religion and belief violate the standards of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR). Each of these international instruments prohibits discrimination on the basis of religion or belief, and the Universal Declaration and the ICCPR protect the right to hold and to manifest beliefs. The government

of China, however, imposes undue restrictions on the manifestation of beliefs and bans several beliefs altogether.

2. Commission Recommendations on China

In light of the preceding description of the situation in China, the Commission makes the following recommendations:

Recommendation 2.1: Permanent Normal Trade Relations (PNTR) with China

As of May 1, 2000, the date on which the Commission is releasing this report, China has applied for entrance into the World Trade Organization (WTO), a multilateral organization including the United States and other industrialized countries. As a part of the admission process, the WTO established a "Working Party on the Accession of China," a task force that oversees the consideration of China's application to join the WTO. The Working Party is responsible for drafting a Protocol for the accession of China and for monitoring a series of bilateral market-access agreement negotiations between China and 37 members of the WTO (including the United States and the European Union). Although conclusion of these bilateral agreements is not strictly necessary for obtaining WTO membership, such agreements establish the terms of the trade relations, on a bilateral basis, between China and the WTO members with whom it enters into the bilateral agreements. China and the United States signed a bilateral accession agreement in 1999, although China is not bound by the agreement unless the United States grants China PNTR status. As of April 28, the European Union and several other members, unlike the United States, have not concluded their bilateral discussions with China. After China agrees to an accession Protocol with the Working Party, China will likely receive a sufficient number of votes from WTO members to permit it to join. The U.S. Congress currently is scheduled to vote on the question of whether to grant PNTR status to China within the next few weeks (currently scheduled for the week of May 22).

The Commission believes that in many countries, including some of China's neighbors, free trade has been the basis for rapid economic growth, which in turn has been central to the development of a more open society and political system. This belief is the basis for the annual decision, by presidents and congressional majorities of both parties, to grant "most favored nation" (MFN) trade relations with China each year over the past two decades. Moreover, a grant of PNTR and Chinese membership in the World Trade Organization may, by locking China into a network of international obligations, help advance the rule of law there in the economic sector at first, but then more broadly over time.

Nevertheless, given the sharp deterioration in freedom of religion in China during the last year, the Commission believes that an unconditional grant of PNTR at this moment may be taken as a signal of American indifference to religious freedom. The government of China attaches great symbolic importance to steps such as the grant of PNTR,

and presents them to the Chinese people as proof of international acceptance and approval. A grant of PNTR at this juncture could be seen by Chinese people struggling for religious freedom as an abandonment of their cause at a moment of great difficulty. The Commission therefore believes that Congress should not approve PNTR for China until China makes substantial improvements in respect for religious freedom, as measured by the following standards:

2.1. The U.S. Congress should grant Permanent Normal Trade Relations status to China only after China makes substantial improvements in respect for freedom of religion, as measured by the following standards;

2.1.a. China agrees to establish a high-level and ongoing dialogue with the U.S. government on religious-freedom issues. China's policy on treatment of religious exercise and religious groups is dictated by the Chinese Communist Party through its United Front Work Department (UFWD). This policy is implemented by the national and local offices of the Religious Affairs Bureau (RAB).

Since May of 1999, no dialogue on religious freedom or other human rights has taken place between the United States and any level of the Chinese government. The RAB has refused to meet with U.S. embassy personnel or even to receive official communications. Obviously, this closed door policy in Beijing is not conducive to bilateral communication or improvement in religious freedom for the Chinese people.

The Commission recommends that the first condition for granting PNTR be the reestablishment of direct, ongoing, and constructive dialogue between high-level United States and Chinese officials on freedom of religion and belief. The dialogue should include officials within the UFWD.

In addition to official dialogue between governments on religious-liberty issues, the U.S. government should press Beijing to allow contacts, official and unofficial, between and among various religious groups in China and their counterparts in the United States. This communication can only increase understanding in both countries of the similarities and differences in conditions for religious liberty in each country.

2.1.b. China must agree to ratify the International Covenant on Civil and Political Rights. China is the only member of the UN Security Council that has not ratified the ICCPR. In anticipation of President Clinton's trip to China in 1997, China signed the ICCPR in 1998.

Ratification of the ICCPR would demonstrate to the world and the people of China that the government takes seriously its role as a member of the international community.

2.1.c. China must agree to permit unhindered access to religious leaders, including those imprisoned, detained or under house arrest, by the U.S. Commission on International Religious Freedom and respected international human rights organizations.

2.1.d. China must provide a detailed response to inquiries regarding a number of persons who are imprisoned, detained, or under house arrest for reasons of religion or belief, or whose whereabouts are not known but who were last seen in the custody of Chinese authorities. The Department of State, after consultation with human rights and religious groups, should compile a detailed list of such prisoners of conscience and make specific inquiries to the Chinese government. China has detained thousands of religious practitioners, many in the "reeducation through labor" (laojiao) system. Using its laws against "cults," the government recently prosecuted scores of religious leaders and gave them prison sentences as long as 18 years. At least seven Roman Catholic bishops who have refused to join the relevant governmental association have been arrested and remain imprisoned or have not been seen in public since. In 1997, a delegation to China of three American clerics (including now- Commissioner Archbishop Theodore McCarrick), asked to meet with several leaders (such as James Su Zhimin, Bishop of Hebei), but Chinese authorities refused to permit it. Shen Yiping and Zheng Suqian were imprisoned for their leadership of large Protestant "house churches" in 1999. Thousands of practitioners of Falun Gong have been detained and more than 300 have been sentenced, including one leader to 18 years. Within the Tibetan Buddhist community, the Dalai Lama's choice for the Panchen Lama a child named Gendun Choekyi Nyima has not been seen since 1995, and numerous monks and nuns remain in prison in Lhasa. 2.1.e. China must release from prison all persons incarcerated for religious reasons. Needless to say, the Commission believes that all prisoners incarcerated for reasons of religion or belief should be released immediately. The very least the government of China should be required to do before PNTR is granted is to free those who are minors and those whose health is poor. Recommendation 2.2: Steps the U.S. Congress Should Take Before Granting PNTR Before granting PNTR to China: 2.2.a.

The U.S. Congress should announce that it will hold annual hearings on human rights in China. The Commission believes that congressional monitoring of human rights conditions in China should be intensive and continuous. If normal trade relations are to be permanent, so should congressional monitoring of human rights conditions in China be permanent. Toward this end, the Commission urges Congress to hold annual hearings for monitoring Chinese human rights performance. Congress should announce this initiative before PNTR is granted, while the issue is still visible and while both proponents and opponents of PNTR are espousing the importance of monitoring and leveraging improvements in human rights in China. The full Senate Committee on Foreign Relations and House Committee on International Relations should plan regular, in-depth hearings (to be held at least annually).

2.2.b. Congress should invite the Dalai Lama to address a Joint Session of Congress. The Dalai Lama is an international symbol of religious freedom and non-violence. A congressional invitation to address a joint session would honor him and the cause of religious freedom at a moment when that cause is under attack in China. Such an invitation would demonstrate continuing Congressional concern and a firm resolve never to abandon freedom of religion as a central human right. The Commission therefore urges that Congress issue the invitation as soon as possible.

Recommendation 2.3: UN Human Rights Commission Resolution on China

The Commission believes that China should be censured annually by the UN Commission on Human Rights (UNCHR) as long as the government's treatment of religious communities falls dramatically short of the standards of the UN Declaration on Human Rights and the ICCPR.

Since 1990, the United States has sponsored a resolution on China in the UNCHR every year except 1998. The UNCHR has voted to take no action on those resolutions every year except in 1995. On only two occasions, in 1995 and 2000 (the only two years that the UNCHR came close to debating the United States' resolution on China) did the Administration make an early and concerted effort to push for the resolution. China, on the other hand, lobbies UNCHR member countries year-round, dispensing aid and favors in return for commitments that the members will support a "no action" motion each year at the UNCHR.

2.3. Until religious freedom significantly improves in China, the U.S. government, led by the personal efforts of the President of the United States, should initiate a resolution to censure China at the annual meeting of the UN Commission on Human Rights and should support a sustained campaign to convince other governments at the highest levels to support it.

The U.S. government should decide by October of each year six months before the UNCHR vote in April whether a resolution condemning China's human rights performance is warranted. If so, the Administration should coordinate all appropriate agencies in a sustained campaign to enlist the support of UNCHR member countries. Even with a six-month lead time, a U.S. resolution will likely continue to fail in Geneva unless the President makes its adoption a high priority of the Administration. At the 2000 meeting of the UNCHR, the Secretary of State and the Assistant Secretary for Democracy, Human Rights and Labor pressed hard for passage of the resolution, but the unsuccessful result shows that presidential involvement is clearly needed. The Commission urges the President personally to solicit support for the resolution from the governmental leaders of UNCHR member countries.

Indeed, this year the Commission urged the President to increase his involvement in the final days leading up to the vote. The importance that the United States places on passage of the resolution would not be lost if the President were to address the UNCHR in Geneva. The success or failure of this referendum on China's standing in the international community is likely to depend on whether the President makes liberal use of the "bully pulpit" and effective diplomacy at every opportunity.

Recommendation 2.4: International Campaign for Prisoner Release

As discussed above, the PRC government routinely arrests and incarcerates religious practitioners of unofficial churches or illegal "sects" in "reeducation through labor" camps for up to three years, and imprisons religious leaders for long sentences. The current victims include Roman Catholic Bishop Su Zhimin, and a number of other bishops and priests, Falun Gong leaders, House Church leaders, Gendun Choekyi Nyima (the Panchen Lama designated by the Dalai Lama), and members of the Muslim Uighur community who have been imprisoned for their religious belief, association or practice. Multilateral overtures to the Chinese government comprise the most promising means of liberating some of these individuals. 2.4. The United States should lead a multilateral campaign to seek the release of Chinese religious leaders imprisoned or under house arrest.

All diplomatic means should be used to effect the release of those Chinese religious leaders who are imprisoned, who have not been seen in public since their detention, or who are under house arrest. The means employed should be the full range of diplomatic tools from private demarches to UN Security Council resolutions to presidential statements. Every meeting of U.S. embassy personnel with the Chinese government should include prominent mention of our government's profound concern for the welfare of these religious leaders and a request that they be released.

Recommendation 2.5: Measures to Enhance Freedom of Uighur Muslims

The residents of Xinjiang province are the only Chinese who are subject to capital punishment for political crimes. That apparently is intended to suppress the separatist movement of the Uighur people in that province, a movement that sometimes apparently involves violence. But one reported result of the government's heavy-handed policy toward Xinjiang is the limitation of religious exercise by nonviolent Uighur Muslims.

Because the Chinese government vigorously suppresses the flow of information from Xinjiang, and because the Uighur people are not well-known and lack a large international constituency (in contrast to the Tibetan Buddhists), the Commission recommends that the U.S. government enhance their visibility, in the hope of relieving their religious exercise of current strictures.

2.5. The U.S. government should raise the profile of conditions in Xinjiang by addressing religious-freedom and human rights concerns in bilateral talks, by increasing the number of educational exchange opportunities available to Uighurs, and by increasing radio broadcasts in the Uighur language into Xinjiang.

The Commission recommends that the State Department raise the status of Xinjiang toward the same level presently enjoyed by Tibet. The religious freedom of Uighur Muslims in that province should be made a priority agenda item in discussions with the Chinese government. American diplomats should also raise the plight of the Uighurs on a bilateral basis with other countries, particularly Islamic governments, and urge them to pursue the issue in their own discussions with Beijing.

In addition, the Commission recommends that the U.S. government increase the number of educational and cultural exchange opportunities available to Uighurs. The Commission further recommends that the U.S. government devote more attention and resources to documentation of the situation in Xinjiang.

Finally, the Commission believes that religious freedom would be promoted in Xinjiang by increasing the flow of information via radio in the Uighur language, through, for example, Radio Free Asia.

Recommendation 2.6: China's Hosting of Olympic Events

2.6. The U.S. government should use its diplomatic influence with other governments to ensure that China is not selected as a site for the International Olympic Games until it has made significant and sustained improvement in religious freedom and human rights.