

2008 Annual Report of the U.S. Commission on International Religious Freedom

Other Countries on the Commission's CPC List: People's Republic of China

The Chinese government continues to engage in systematic and egregious violations of freedom of religion or belief. Yet, 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. High-ranking Chinese government officials, including President Hu Jintao, have praised the positive role of religious communities in China and articulated a desire to have religious groups promote “economic and social development”—an endorsement that may open legal space for religious groups to conduct charitable, medical, and economic development activities. However, despite this growing “zone of toleration” for the worship and charitable activities of China’s religious communities, the government continues to restrict religious practice to government-approved religious associations and registered religious venues and seeks to control the activities, growth, and leadership of both “registered” and “unregistered” religious groups.

Religious freedom restrictions and sometimes brutal abuses continued to target unregistered religious groups, those considered by the government to be “cults,” and religious communities associated with ethnic minority groups. Severe crackdowns targeting Uighur Muslims, Tibetan Buddhists, “underground” Roman Catholics, “house church” Protestants, and various spiritual movements such as Falun Gong continued in the last year. The level of religious repression increased in Tibetan areas and in the Xinjiang Uighur Autonomous Region (XUAR). Moreover, legal reforms, which were issued in 2005 with the promise of increased religious freedom protections, have not halted abuses and are used in some cases to justify some arrests and additional restrictions. Since 1999, the Commission has recommended that China be designated a “country of particular concern,” or CPC. The State Department has followed the Commission’s recommendations and named China a CPC since 2000.

As in past years, the Chinese government continued to implement the National Regulations on Religious Affairs (NRRA), issued officially in March 2005. The regulations include provisions that require all religious groups and religious venues to affiliate with one of seven government-approved religious associations. 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. Within the bounds of the Chinese legal system, the NRRA can expand protections for the registered religious communities. However, it remains the Commission’s conclusion that the NRRA, by stipulating registration in government-sanctioned religious associations and requiring permission for many routine religious activities, strengthens governmental management or supervision of religious affairs, thereby offering Party officials extensive control over religious practice and related activities. In addition, the NRRA only protects what the government considers “normal” religious activity, making unregistered religious groups illegal and subject to restriction or other punishments. Vague national security provisions in the NRRA override stated protections if a religious group is deemed to disrupt national unity or solidarity.

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 practice. Some Catholics, Protestants, Muslims and members of 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 whose leadership they view as complicit in arrests and restrictions placed on unregistered religious activity; and 3) seek advance permission from the government for all major religious activities or theological positions or face unspecified penalties. To illustrate the last point, authorities from the Religious Affairs Bureau in Yicheng county, Hubei province, forced a registered Protestant church to close because it allowed the pastor from another province to lead services at the church without gaining prior permission. In addition, an abbot at a monastery in the Tibetan area of Golog prefecture, Qinghai province, was forced to step down in May 2007 when he refused to sign a pledge denouncing the Dalai Lama. During the past year, police have also closed registered and unregistered churches and temples, many with large memberships and networks, in the provinces of Heilongjiang, Shandong, and Tibet.

During the past year, pressure on unregistered groups to register with government-approved associations increased. Protestant “house church” groups and “underground” Catholic priests continue to experience the most intense coercion. Any religious group that refuses to register is technically illegal and subject to various forms of punishment, though in 2007, the response by local officials varied from region to region. In some areas of China, large Protestant “house church” groups met openly and with the knowledge of local officials; in other areas even small, independent gatherings faced detention, closure, beatings, confiscation of personal property, fines, or, in some cases, criminal prosecution. Though there were problems throughout China, unregistered religious groups experienced the most abuses and harassment in Anhui, Hebei, Henan, Shanxi, and Xinjiang provinces.

In Tibetan Buddhist and Muslim regions, the implementation of the NRRA has led to additional restrictions and more intense campaigns of “patriotic education” among monks, nuns, and imams. Tibetan Buddhist and Uighur Muslim religious leaders have long been required to demonstrate political loyalty, but new laws give provincial officials specific mandates to monitor the training, assembly, publications, and speeches of Muslim and Tibetan Buddhist leaders. Patriotic education campaigns are intended to quell any activities viewed as political dissent and to build up leaders who are considered “patriotic and devoted.” During the Commission’s visits to the XUAR and Tibet, local government leaders said that patriotic education campaigns had ended, but religious leaders made clear that “political education” still occurred on a regular basis.

In the past year, the government continued to demolish Tibetan Buddhist structures and statues, including the homes of individual monks or nuns, because they were constructed without authorization. In June 2007, authorities in Lhoka Prefecture in the Tibet Autonomous Region (TAR) carried out the demolition of a large Buddha statue at Samye Monastery. In a separate incident in September 2007, about twenty Tibetans formed a human chain to prevent the destruction of a statue of Guru Rinpoche near Mount Kailash, which Tibetans consider sacred. The statue was completely demolished over the course of about three days. In September 2007, the government also issued a new regulation that would allow it to interfere directly in the

selection of reincarnated lamas, an essential element of Tibetan Buddhist religious practice. Tibetan leaders outside China contend that the new regulations are intended to control the selection of the next Dalai Lama. The new regulations require monasteries to seek government permission to search for a reincarnated lama and maintain a reincarnated lama in residence. In addition, the government must approve the choice of all reincarnated lamas and the selection process may not be influenced by any individual or entities outside the country. Depending on the importance of the reincarnation itself, candidates must receive permission from either provincial level government officials or from officials in Beijing.

The regulations on reincarnated lamas are part of the Chinese government's continued campaign to diminish the stature and influence of the Dalai Lama among Tibetans. Refusal by monks and nuns to denounce the Dalai Lama or to pledge loyalty to Chinese Communism is met with expulsion from their monasteries, imprisonment, and torture. In Sichuan province during June and July 2007, authorities required monks at Kardze monastery and neighboring Lithang Monastery to sign statements denouncing the Dalai Lama. Police also forcibly confiscated several pictures of the Dalai Lama and copies of his writings from the monks' private dormitories. On August 1, Runggye Adak, a Tibetan nomad, staged a protest calling for the Dalai Lama's return to Tibet and for the freedom of Gendun Choekyi Nyima (the Panchen Lama) at a festival in Kardze and was immediately arrested. In November 2007, Adak was sentenced to eight years imprisonment on charges of "incitement to split the country." Three others, including one monk, were also sentenced to prison terms of ten, nine, and three years for attempting to publicize the case. During the last year in Ganzi Tibetan Autonomous Region, the government forced many monks to sign statements denouncing the Dalai Lama and compelled parents to withdraw their children from education programs at monasteries. 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.

After the Dalai Lama received the U.S. Congressional Gold Medal in October 2007, Tibetans in many localities staged public celebrations. Several Tibetans were briefly detained after they set off fireworks in celebrations in Tibetan areas of Gansu Province. On October 17, when monks at Drepung monastery in Lhasa staged religious ceremonies to celebrate the award, police entered the monastery by force, closed it off to the public for at least two weeks, and detained those believed to have organized the celebrations. Nearby Nechung monastery was also reportedly closed to the public for one week. Tibetan students and government employees in Lhasa also reported that they were ordered to refrain from participating in prayer ceremonies in the weeks before and after the Dalai Lama's award. Those who refused to comply were threatened with loss of their jobs and, for retirees, with loss of retirement benefits.

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

On March 10, 2008, monks from Drepung monastery peacefully demonstrated to protest, in part, ongoing patriotic education efforts and other religious freedom restrictions at the monastery. The Chinese government's response to the peaceful protest of monks, including sealing off monasteries and arresting monks, touched off demonstrations that led to property destruction, arrests, and numerous deaths. Demonstrations later spread to Tibetan areas outside the TAR. On April 14, Chinese soldiers fired on several hundred monks and local residents at the Tongkor monastery in Ganzi. Witnesses claim that between eight and 15 persons were killed and others arrested. Unrest in Ganzi was sparked by the Chinese government's announcement of new "patriotic education" campaigns aimed at suppressing Tibetan loyalty to the Dalai Lama. When monks at Tongkor resisted the new campaigns, police entered the monastery and destroyed pictures of the Dalai Lama and arrested several monks. The police fired on the crowd that had gathered to protest the arrests.

Monks at the Jokhang temple affirmed to foreign reporters visiting Lhasa during the demonstrations that repression of religious freedom lies at the heart of their grievances. Despite the deep resentment of this practice, Chinese officials have stepped up "patriotic education" campaigns, especially in monasteries, to pressure Buddhist monks and nuns to denounce the Dalai Lama and show loyalty to Chinese communist rule. Zhang Qingli, party secretary of the TAR, has called the Dalai Lama a "wolf in monk's robes" and "a devil with a human face but the heart of a beast" and dismissed the exiled leader's supporters as the "scum of Buddhism." Zhang ordered not just monks but students, government workers, and business people throughout Tibet to participate in patriotic education sessions and sign denunciations of the Dalai Lama.

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. 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. She was permitted to meet with the Commission during its 2005 trip to Tibet and later pressed the Chinese government to allow her to travel abroad for needed medical attention. The authorities later allowed her to travel to the United States in March 2006. The Chinese government continues to deny repeated international requests for access to the 19-year-old man Gedhun Choekyi Nyima, whom the Dalai Lama designated as the 11th Panchen Lama when he was six years old. While he is technically "disappeared," government officials have claimed that he is being "held for his own safety," while also insisting 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.

In January 2003, Tibetan Buddhist monk Tenzin Delek Rinpoche was arrested on charges related to a 2002 bombing incident and later sentenced to death. U.S. officials were promised that the case would be reviewed by the Supreme People's Court. Although the review never occurred, Tenzin Delek's death sentence was commuted to life imprisonment in January 2005. In August 2007, several units from the People's Armed Police were deployed to Kadze Tibetan Prefecture, Sichuan province to disperse protestors who had gathered to demand the release of

Tenzin Delek and of the more recently arrested Ronggye Adak. Pawo Rimpoche, a reincarnate lama recognized by the Karmapa Lama in 1994, remains under strict surveillance and is not permitted to leave his monastery. In the last year, delegations from the United States who have requested permission to meet with him have been denied.

There are increasing and disturbing reports that China is actively seeking to prevent Tibetans from leaving the country and encouraging the forcible repatriation of asylum seekers from Nepal and India. In late September 2006, Chinese guards on the Nepalese border opened fire on a group of approximately 70 Tibetan refugees, resulting in the death of a 17-year-old nun. Members of the group, who were unarmed when soldiers fired upon them from a distance, included monks, nuns, and children who were seeking refuge in India in order to receive religious education denied them in Tibet. Following the shooting, soldiers took several members of the group into custody. Those detained were required to pay heavy fines while some were tortured with cattle prods and forced to perform hard labor. In a similar incident in October 2007, border guards fired at a group of approximately 30 Tibetans, mostly monks and nuns, who were attempting to flee in the same area on the Nepalese-Tibetan border. Although no casualties were reported in the incident, seven individuals, including three monks, were taken into Chinese custody.

In the XUAR, or Xinjiang, conditions for freedom of religion and belief are particularly poor and the provincial government intensified repression of all religious groups in the province. According to government officials, this repression is justified by its policy to “stamp out terrorism, separatism and religious extremism” in the XUAR. 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.” The government continues to limit access to mosques, including the participation of 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. 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.”

Officials in the XUAR continue to restrict the teaching of Islam to minors. During the Commission’s visit to China, local government officials confirmed that minors were prohibited from participating in any religious activity or instruction before the completion of nine years of compulsory public education. The existence of such a policy contradicts statements made by other Chinese central government officials who claimed that no restrictions exist prohibiting the religious activities of minors. Teaching religion to minors continues to be a criminal offense in the XUAR. 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. Authorities in Xinjiang report that Momixi was released; however, they have failed to account for her whereabouts and U.S. government officials have been refused permission to meet with her. 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, individuals under the age of 30 are prohibited from attending 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, 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 where Uighurs account for a higher percentage of the population.

In the past year, authorities in the XUAR introduced regulations to ensure that the government-approved Chinese Patriotic Islamic Association controls all *hajj* pilgrimages. To fulfill these new regulations, XUAR authorities require Muslims to turn over their passports to local government offices for registration. To retrieve their passports, Muslims are required to submit information regarding their *hajj* travel plans to ascertain that they did not receive a foreign visa without authorization. Uighur human rights activists outside of China also expressed concern that the new policy may be used to identify and punish Uighurs who travel outside of the XUAR.

In response to persistent international pressure, Chinese authorities released Uighur human rights activist Rebiya Kadeer in March 2005. 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. In October, 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 \$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, when family members were granted their first visit with Ablikim in nearly one year, the family reported that Ablikim was seriously ill, had been subjected to torture, and denied adequate medical treatment.

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. An estimated 90 percent of Catholic clergy have reconciled with the Vatican. Nonetheless, the CPA does not recognize the authority of the Holy See to appoint bishops, though, in some recent cases, the Vatican has been allowed quietly to approve bishop selections. For example, in September 2007, bishops were ordained in dioceses in Beijing and Guizhou with the approval of both Beijing and the Vatican. These ordinations reversed a recent trend of bishop ordinations occurring without Vatican approval. In 2006, three bishops were ordained without Vatican approval. In June 2007, Pope Benedict issued an open letter to Chinese Catholics. The Pope recognized that greater religious freedom exists in China today than in the past, but that "grave limitations remain," and it is unacceptable for the Church to accept undue restrictions. Nevertheless, the Pope called on Chinese Catholics to resolve past differences in an atmosphere of "respectful and constructive dialogue." 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."

Harassment, surveillance, and detention of “unregistered” Catholic priests and bishops continued in the last year. In March 2007, authorities in Shaanxi province took Bishop Wu Qinjing of the Zhouzhi diocese into custody, where he remains. Bishop Wu was ordained in September 2006 with Vatican approval, but without the approval of the local CPA. He was reportedly beaten in custody and forced to sign a document promising not to participate in diocese management. In June 2007, Bishop Jia Zhiguo was detained for three weeks and beaten in custody. Bishop Jia was again detained in August and held without trial until December 2007. In July, four priests from Hebei were arrested while traveling in Inner Mongolia, reportedly for their refusal to register officially with the local patriotic religious association. In August, Bishop Yao Liang was arrested and remains in custody; no formal charges have been issued in his case. There remain at least 30 Roman Catholic bishops or priests under arrest, imprisonment, or in detention, 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 has been no information on the whereabouts of Bishop Shi Enxiang, who was arrested in April 2001. On August 24, 2006, An Shuxin, Bishop Su’s Auxiliary Bishop, was released after 10 years of imprisonment.

Unregistered Protestant groups in China continued to face harassment, detention, fines, beatings, confiscation of property, and arrest during the last year. A secret provincial document reportedly issued in Hubei province in July 2007 reveals that the Chinese government is conducting a nationwide campaign to “normalize” unregistered Protestant churches by giving them the option of either joining the Three Self-Patriotic Association or being suppressed. In the last year, an estimated 693 Protestant leaders and adherents were arrested, 38 of whom received sentences of one or more years, including in China’s infamous “re-education through labor” system. In addition, the State Department estimates that “thousands” of house church members were detained for short periods in the last year. In February 2007, police in Jiangsu province raided a prayer meeting and reportedly beat and arrested participants. In May 2007, police in the XUAR arrested 30 house church leaders who were meeting with foreign religious leaders; those arrested were mistreated or beaten in custody. Ismail Tiliwaldi, Chairman of the XUAR, urged local police and religious affairs officials to “exercise stronger management” over Protestantism and Catholicism and to guard strictly against foreign infiltration and sabotage. Police in Kashgar, XUAR arrested Alimjan Yimit, an Uighur house church leader; he remains in detention on charges reportedly related to “national security issues.” 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.

Chinese officials continue to use charges of “illegal business activity” to sentence house church leaders who are involved in the printing and distribution of Bibles and other religious texts. Recent cases include Pastor Wang Zaiqing, who was sentenced to two years imprisonment in Anhui in October 2006 and Shi Weihang, who served 37 days of criminal detention in Beijing in November 2007. In June 2006, Pastor Zhang Rongliang was sentenced to seven and one half years imprisonment on charges of obtaining a false passport. Two additional house church leaders, Chen Jiayi from Anhui and Zhou Heng from Xinjiang, are currently facing trial on charges of “illegal business activity” under similar circumstances.

Police continued to detain current and former Falun Gong practitioners and to place them in re-education camps. Police reportedly have quotas for Falun Gong arrests and also target former practitioners. Tens of thousands of Falun Gong practitioners have been sent to labor camps without trial or 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 at one time comprised up to half of the 250,000 officially recorded inmates in “re-education 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.”

In the past year, reports continued to surface regarding the re-arrest of Falun Gong members who had been released after completing prison terms. For example, Bu Dongwei, a lawyer in Beijing working on legal aid issues for the Asia Foundation, was sentenced to two and one half years imprisonment 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. Numerous 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 from two prominent Canadian human rights activists, international human rights organizations have called for an independent investigation and for continued international attention to allegations of organ harvesting from prisoners.

Since the banning of Falun Gong in 1999, the Chinese government has conducted a harsh campaign against “evil cults” and “heretical sects.” This campaign against “evil cults” has, in recent years, expanded to include leaders of long-established Protestant groups. Over the past year, religious leaders have been imprisoned and followers detained and fined for “illegal cult activity.” In June 2007, Zhang Geming and Sun Qingwen, both house church pastors in Shandong Province, were sentenced to one year of “re-education through labor” on charges of “using an evil cult to obstruct the law.” In August, following a raid on a meeting of house church leaders in Hubei Province, five church leaders were sentenced to 18 months of “re-education through labor” and four other house church leaders received sentences of 12 months, all on charges of “using an illegal cult to disrupt enforcement of the law.” Family members of the pastors were not notified of their sentences until over two months following their initial detention, and several pastors claimed they were beaten during interrogation. In February 2008, 21 house church leaders were sentenced to terms of one to three years of “re-education through labor” following a raid on a leadership training session in Shandong Province in December 2007, when police arrested 270 church leaders. The leaders were charged with being members of an “illegal cult” organization.

In August 2007, authorities in Hunan Province issued provincial-level regulations to administer folk religion venues. The regulations are significant because they offer protections

for religious practice outside the China's five predominant religious communities (Buddhism, Daoism, Protestantism, Catholicism and Islam) 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) has established a division to deal directly with the management of folk religions.

During the past year, 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. In November 2007, human rights lawyer Guo Feixiong was sentenced to five years imprisonment on charges of "illegal business practices." Guo was closely involved in the defense of human rights lawyer Gao Zhisheng, who faced charges of subversion following his efforts to defend the human rights and religious freedom of Falun Gong practitioners. Guo had also written legal essays defending Pastor Cai Zhuohua, who served three years in prison for "illegal business practices" due to his efforts to distribute Bibles among house church Christians. In September 2007, attorney Li Hepring, a prominent religious freedom advocate, was beaten with electronic batons for nearly five hours and ordered to stop practicing law. The Commission continues to express concern 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 their rights to freedom of speech, assembly, and religious freedom.

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.

In March and April 2008, the Commission issued public statements condemning the Chinese government's crackdown on Tibetan Buddhist monks and calling for an end to violence and the independent monitoring of reports of arrests, disappearances, and deaths. Noting that the desire for greater religious freedom was an important demand of the protests, the Commission also publicly urged the Chinese government to resume negotiations with the Dalai Lama in order to address religious repression and other issues, including a full accounting of the Chinese government's response to the demonstrations.

In January 2007, the Commission held a public hearing 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 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. 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 confirmed that the implementation of the March 2005 regulations on religious affairs had not led to any improvements in religious freedom conditions for their respective religious denomination. In April 2007, then-Chair Felice D. Gaer offered testimony at a briefing before the Congressional Human Rights Caucus on religious freedom conditions in Tibet. The Special Envoy of the Dalai Lama also offered testimony at the briefing, which was scheduled to coincide with the eighteenth birthday of the Panchen Lama.

In October 2007, the Commission and the Congressional China Caucus co-hosted a roundtable discussion on current problems facing refugees and asylum seekers in China, particularly North Koreans, Uighur Muslims, and Tibetan Buddhists, for whom religious freedom is an important factor in the decision to seek asylum. The Commission hosted the briefing following reports of a second incident on the China-Tibetan border in which Chinese border guards fired on groups of unarmed Tibetan refugees. The Commission and the Caucus held the forum to encourage candid discussion between U.S. government officials, international organizations, congressional staff, and non-governmental representatives on how to engage the Chinese government to encourage treatment of refugees and asylum seekers in accordance with international standards. Commissioner Leonard Leo chaired the session and Rep. Madeline Bordallo of Guam, co-chair of the China Caucus, offered opening remarks. In follow-up to this discussion, Commission staff held meetings with the State Department's Bureau of Population, Refugees and Migration and with the Washington office of the UN High Commissioner on Human Rights to discuss specific policy recommendations.

In November 2007, the Commission issued a statement condemning the Chinese government's crackdown on human rights defenders and the so-called "campaign to root out foreign infiltration," noting that this campaign seeks to penalize communities that do not enjoy official sanction. The Commission pointed out that Chinese government leaders have used these two campaigns, which have been explicitly endorsed at the highest levels of the central government, to violate human rights, including the right to freedom of religion or belief.

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

I. 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 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, “counterrevolutionary” 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 multilateral 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.

II. 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 diplomacy 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 the defense of 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 the 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.

III. 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 address 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.

IV. 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 could 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 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 of high concentrations of Uighur Muslim and Tibetan Buddhist populations to enforce their human rights under the Chinese Constitution and international law, similar to 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 the Voice of America and Radio Free Asia.

V. 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 key issues 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 negotiating sessions; and
- ensure that religious freedom priorities raised in the Senior Dialogues 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.

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 a 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.

VI. 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 respect 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 under 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.

VII. 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.