



ANNUAL REPORT
2009

UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM



**Annual Report of the
United States Commission on International Religious Freedom**

May 2009

Commissioners

Felice D. Gaer

Chair

Michael Cromartie

Dr. Elizabeth H. Prodromou

Vice Chairs

Dr. Don Argue

Preeta D. Bansal (until February 9, 2009)

Imam Talal Y. Eid

Dr. Richard D. Land

Leonard A. Leo

Nina Shea

John V. Hanford, III, *ex officio*, nonvoting member (until January 20, 2009)

James D. Standish

Executive Director

U.S. Commission on International Religious Freedom
800 North Capitol Street, NW
Suite 790
Washington, DC 20002
202-523-3240
202-523-5020 (fax)
www.uscirtf.gov

Professional Staff

Tom Carter, Director of Communications
Walter G. DeSocio, General Counsel
David Dettoni, Director of Operations and Outreach
Judith E. Golub, Director of Government Relations
Carmelita Hines, Director of Administration
Knox Thames, Director of Policy and Research

Dwight Bashir, Associate Director for Policy and Research
Elizabeth K. Cassidy, Associate Director for Policy and Research
Catherine Cosman, Senior Policy Analyst
Deborah DuCre, Receptionist
Scott Flipse, Senior Policy Analyst
Kody Kness, Assistant Director for Government Relations
Bridget Kustin, South Asia Researcher
Tiffany Lynch, Researcher
Jacqueline A. Mitchell, Executive Assistant
Muthulakshmi Anu Narasimhan, Communications Specialist
Stephen R. Snow, Senior Policy Analyst

ON THE COVER: Members of Pakistan's Women Action Forum in Lahore, Pakistan rally against the presence of Taliban and militants in the northwest of Pakistan on Thursday, February 12, 2009. The banners condemn religious extremism, domestic violence, and the burning down of girls' schools in Swat. (AP Photo/K.M. Chaudary)

People's Republic of China

The Chinese government engages in systematic and egregious violations of the freedom of religion or belief. Religious activities are tightly controlled and some religious adherents were detained, imprisoned, fined, beaten, and harassed. Yet, religious communities continue to grow 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 some believe may open legal space in the future for religious groups to conduct charitable, medical, and economic development activities. However, despite a growing “zone of toleration” for religious worship and charitable activities, the government continues to restrict religious practice to government-approved religious associations and seeks to control the activities, growth, and leadership of both “registered” and “unregistered” religious groups. In addition, the Chinese government hinders cooperation between religious communities and co-religionists abroad. In Tibetan Buddhist areas, religious freedom conditions may be worse now than at any time since the Commission’s inception. In the year leading up to the 2008 Beijing Olympic Games, the Chinese government placed severe restrictions on the peaceful religious activity of Uighur Muslims and increased the number of arrests and detentions of “unregistered” Protestants, Catholics, Tibetan Buddhist, and Falun Gong adherents. These restrictions have not been lifted in the months following the Olympics. Since 1999, the Commission has recommended that China be designated a “country of particular concern,” or CPC. China has been designated a CPC by the Department of State since 2000.

The law governing religion in China is the National Regulations on Religious Affairs (NRRA), first issued in March 2005 and updated in 2007. 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 allowed by the Chinese legal system where legal protections are sometimes overridden by political considerations, the NRRA expanded some protections for registered religious communities to carry out religious activities. However, the NRRA imposes restrictions that violate international norms regarding the protection of the freedom of thought, conscience, and religion, and it has been used to justify some arrests. By stipulating registration in government-sanctioned religious associations, insisting that permission be sought for most routine religious activities, and including specific requirements for government approval of Catholic and Tibetan Buddhist groups’ leadership decisions, the NRRA strengthens governmental management or supervision of religious affairs, thereby offering Party officials extensive control over religious practice and related activities. In addition, vague national security provisions in the NRRA override stated protections if a religious group is deemed to disrupt national unity or solidarity.

The NRRA only protects what the government considers “normal” religious activity, making unregistered religious groups illegal and subject to restriction, harassment or other punishments, including coercion, forced closure, beatings, confiscation of personal property, fines, and criminal prosecution. Enforcement varies by region and unregistered religious activity is tolerated in some provinces. 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 names and contact information of their followers; 2) submit leadership decisions to the government or to one of the government-approved religious organizations; and 3) seek advance permission from the government for all major religious activities or theological positions. During the past year, Protestant “house church” groups and “underground”

Catholic priests faced pressure to register with government-approved associations increased.

In the lead up to the 2008 Olympic Games, many unregistered Protestant and Catholic groups reported increased harassment, detentions, and arrest. In May 2008, the Beijing Police raided the unregistered Shouwang Church and ordered the members to leave and stop meeting. The Shouwang Church has tried to register with the local government, but their application has been denied repeatedly because their clergy was not trained by the officially recognized Christian association. “Unregistered” Catholic priest Wang Zhong was sentenced to three years imprisonment for organizing a July ceremony at a new church that was legally registered with the government. Provincial authorities in Sichuan also interfered with the humanitarian activities sponsored by unregistered house church Protestants following the May 2008 earthquake. Two Protestants from Henan Province were detained and questioned about their efforts to help earthquake victims; they were held for about a week and ordered to pay a hefty fine for engaging in “illegal religious activity.”

In Tibetan Buddhist and Muslim regions, the NRRA sets forth additional restrictions on peaceful religious activity. During the past year, the government continued to pursue an intense campaign of “patriotic education” among monks, nuns, and imams. The government has long required Tibetan Buddhist and Uighur Muslim religious leaders to demonstrate political loyalty, but new laws give provincial officials the power to monitor the training, assembly, publications, selection, education, and speeches of Muslim and Tibetan Buddhist leaders. Patriotic education campaigns are intended to quell any activities viewed as political dissent and to promote leaders who are considered “patriotic and devoted.” In addition to patriotism classes for clergy, the Education Ministry also announced in 2008 that children in both regions will be required to attend courses on “ethnic unity.” These classes are a reaction to the religious and ethnic based uprisings in Tibet and the unrest in Xinjiang province over the past few years. Authorities in Lhasa also warned parents about allowing their children to participate in

religious holidays, including activities such as visiting or circumambulating temples and deities or wearing amulet cords. Students failing to comply with the orders were threatened with expulsion from school.

Religious repression and restrictions in Tibetan Buddhist areas continue unabated. Hundreds of Buddhist monks and nuns are in prison or subject to intense restrictions on their religious activities, some monasteries and other holy sites are being forcibly closed or destroyed, and Chinese officials have stepped up campaigns to pressure Buddhist monks and nuns to denounce the Dalai Lama and show loyalty to the Chinese communist rule. The Chinese government’s active attempts to mold and control the traditional norms of Tibetan Buddhism have nurtured deep resentments among Tibetans.

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

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

These regulations are part of the Chinese government's continued campaign to diminish the stature and influence of the Dalai Lama among Tibetans. Zhang Qingli, party secretary of the TAR, during the closing ceremonies of the Olympic Torch rally last June, predicted that China would "smash completely" the Dalai Lama's "separatist plot." He then referred to the Dalai Lama as a "wolf in monk's robes" and "a devil with a human face but the heart of a beast." He dismissed the exiled leader's supporters as the "scum of Buddhism" and ordered monks, nuns, students, government workers, and business people throughout Tibet to participate in patriotic education and publicly denounce the Dalai Lama. Monks and nuns who refuse to denounce the Dalai Lama or to pledge loyalty to Beijing have been expelled from their monasteries, imprisoned, and tortured. Phurbu Tsering, a Tibetan Buddhist religious teacher was detained on May 19, 2008 after police detained more than fifty of his students for staging a peaceful protest against requirements that they denounce the Dalai Lama and their teacher. In October 2008 authorities closed Pangsa Monastery in Lhasa after an increased flow of Tibetans came to pay tribute to a statute that had received a blessing from the Dalai Lama.

Chinese government actions and policies to suppress peaceful religious activity in Tibetan areas played a primary role in stoking last year's demonstrations there. On March 10, 2008, the anniversary of the failed 1959 uprising against Chinese control of Tibet, monks from Drepung monastery peacefully protested against patriotic education and other religious freedom restrictions. In response, the Chinese government sealed off monasteries and arrested monks, touching off demonstrations in Lhasa that led to property destruction, arrests, and numerous deaths. Demonstrations spread to Tibetan areas outside the TAR. For example, on April 14, 2008, Chinese soldiers fired on several hundred monks and local residents at the Tongkor monastery in Ganzi prefecture, Sichuan province; witnesses claim that between eight and 15 people were killed and others were arrested. Reports have identified hundreds of Tibetan Buddhist monks and nuns whom security officials detained for participating in the 2008

protests, in which protesters called for the return of the Dalai Lama, the release of the Panchen Lama (Gedun Choekyi Nyima), the end to "patriotic education," and more religious freedom in general. The Chinese government has not provided full details or a credible accounting of the monks and nuns detained. Over the past year, a security presence has remained at some monasteries and nunneries, and local government officials have escalated their campaigns to require monks and nuns to sign statements denouncing the Dalai Lama. In Ganzi (Kardze) Prefecture, the local government issued regulations in June 2008 to both punish and remove from Ganzi monks and nuns accused of participating in peaceful protests. Punishments include arrest, re-education, closure of a monastery or nunnery, and the forced removal of a religious teacher (reincarnated trulku) from his position. Ganzi has more political and religious prisoners than any other Tibetan region outside of the TAR.

The Chinese government continues to deny repeated international requests for access to 19-year-old Gedhun Choekyi Nyima, whom the Dalai Lama designated as the 11th Panchen Lama when he was six years old. No one has seen him since, nor have any independent or transparent interviews taken place. While he is a "disappeared" person, government officials claim that he is in fact alive and well and being "held for his own safety." They insist 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 the Xinjiang Uighur Autonomous Region (XUAR), governmental repression of religious freedom increased in the past year. Chinese government authorities routinely have equated peaceful religious practices among Uighur Muslims with religious extremism and separatism and have used the global war on terror as a pretext to crack down on even the most peaceful forms of dissent or religious activity. Uighur Muslim clerics and students have been detained for various "illegal" religious activities, "illegal religious centers" have

been closed, and police continue to confiscate large quantities of “illegal religious publications.” XUAR Party Secretary Wang Lequan stated that the government would use “preemptive attacks” and institute “anti-separatist reeducation” in the XUAR to ensure national safety.

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. Over the past year, XUAR officials have issued new orders to extend governmental control over religion. For example, in August 2008, authorities in Kashgar called for increased surveillance and management of religious activity. In June 2008, officials in Kazakh Autonomous Prefecture called for increased inspections of mosques and religious venues to prevent “illegal reading of scriptures” and for the “infiltration” of religious groups. In June 2008, a mosque near Aksu city was demolished reportedly for “illegal renovations,” for having “illegal copies” of the Koran, and for engaging in “illegal religious activities.” In February 2009, officials in Hotan started a campaign to halt “illegal” religious schools. According to reports, armed security personnel conducted nighttime searches, closing seven schools and detaining 39 people. In March 2009, according to a Radio Free Asia report, Hotan officials stated that anyone engaged in “cross-village worship” will be charged with a “social crime” and subject to detention or fines.

Religious leaders and activists who attempt to publicize or criticize human rights abuses in the XUAR have received prolonged prison terms, on charges of “separatism,” “endangering social order,” and “incitement to subvert state power.” Numerous Uighur Muslims have been arrested for peacefully

organizing and demonstrating for their religious freedom, including in the past year. In February 2009, Abdukadir Mahsum was sentenced to 15 years imprisonment for organizing peaceful demonstrations promoting religious freedom and other human rights concerns for Uighurs. In March 2008, Mutallip Hajim died in detention after being arrested for his activities helping underground Muslim schools. He was reportedly tortured, but his family was warned not to publicize his death. On August 10, 2008, Imam Adil Qarim was arrested, and has since disappeared, allegedly because some suspects in a bomb attack attended his mosque. The imam denied having any links to the attacks.

Officials in the XUAR prohibit teaching Islam outside the home to minors, and police have stepped up attempts to halt private religious education programs in some parts of Xinjiang province. Teachers and organizers can be charged with conducting an “illegal religious gathering,” a criminal offense. During the Commission’s 2005 visit to China, local government officials confirmed that minors were prohibited from participating in any religious activity or instruction before finishing nine years of compulsory public education. This policy contradicts statements made by officials in the central government who claim that there are no restrictions prohibiting the religious activities of minors. Furthermore, in several localities in Xinjiang, plainclothes police are reportedly stationed outside mosques to enforce rules forbidding children and government employees from attending services. There are also reports that in some areas, individuals under the age of 30 are prohibited from attending a mosque. Throughout Xinjiang, teachers, professors, university students, and other government employees are prohibited from engaging in religious activities, such as reciting daily prayers, distributing religious materials, observing Ramadan, and wearing head coverings; they are reportedly subject to fines if they attempt to do so. These standards are enforced more strictly in southern Xinjiang and other areas where Uighurs account for a higher percentage of the population. In March 2009, 600 protestors, mostly women, marched in Hotan to protest a proposed ban on headscarves and other religious freedom restrictions.

Regulations in the XUAR ensure that all *hajj* pilgrimages are controlled by the government-approved Chinese Patriotic Islamic Association. To enforce these regulations, XUAR authorities require Muslims to surrender their passports to local government offices for registration. To retrieve their passports, they must provide detailed information regarding their *hajj* travel plans to ensure their foreign visa is authorized. Uighur human rights activists outside of China are concerned that this policy will be used to identify and punish Uighurs who travel outside of the XUAR. Their worries may have been proved justified when the government confiscated the passports of more than 2,000 Uighur Muslims in 2007 and arbitrarily detained men between the ages of 50 to 70 for participating in the *hajj*.

The State Department estimates that over 1,300 people were arrested in the XUAR on charges related to state security over the past year, a large increase from the previous year. Such charges have been used to detain religious adherents and other dissidents in the past. Due to the lack of judicial transparency, and the government's equation of peaceful religious activity with religious extremism and terrorism, it is difficult to determine how many prisoners are being held for peaceful religious activity or for peacefully protesting restrictions on the freedom of thought, conscience, and religion. Three family members of Rebiya Kadeer, one of the most prominent Uighur advocates, remain in prison. Kadeer's three sons, Kahar, Alim, and Ablikim, were arrested in June 2006 to prevent them from meeting with a visiting U.S. congressional delegation. The following October, Kahar and Alim were tried for tax evasion, and Alim was sentenced to seven years imprisonment. The two were also fined a total of over \$75,000. In February 2007, Ablikim was tried in secret on charges of "subversion of state power" and later sentenced to nine years imprisonment. In December 2007, family members were allowed to visit Ablikim for the first time in a year. Both Alim and Ablikim remain in prison, where they are reported to have been tortured and abused, and Ablikim is reported to be in poor physical health without adequate medical care.

The officially-sanctioned Catholic Patriotic Association (CPA) does not allow its members or clergy to have relations or communication with the Vatican or other foreign Catholic organizations. This prohibition continues to strain relations between the CPA and the unregistered Catholic Church in China and between the Chinese government and the Holy See. Despite the official policy, an estimated 90 percent of CPA bishops and priests are secretly ordained by the Vatican and in many provinces, CPA and unregistered Catholic clergy and congregations work closely together. In some cases, the Vatican and the Chinese government have worked together on the selections of bishops. For example, in September 2007, bishops were ordained in Beijing, Guizhou, and three other dioceses with the approval of both the government and the Vatican. These ordinations reversed a trend of the government appointing bishops without Vatican approval. Nonetheless, the Chinese government took active steps to halt distribution of Pope Benedict's 2007 open letter to Chinese Catholics, including twice detaining Bishop Jia Zhiguo of Hebei province, and beating him while in custody, to prevent him from distributing the letter. In that letter, the Pope recognized that, although there have been some improvements, "grave limitations" on religious freedom in China remain, which the Church cannot accept. Nevertheless, the Pope called on Chinese Catholics to adopt the approach of "respectful and constructive dialogue." More recently, Bishop Jia was arrested again on March 30, 2009 to prevent him from meeting with another bishop who had reconciled with the Vatican. Chinese officials objected to the relationship between the two bishops because it was "desired by a foreign power," the Vatican, not by the government and the CPA. 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."

In the past year, harassment and detention of Catholics in China, especially unregistered bishops and priests, continued. The whereabouts of Catholic Bishop Wu Qinjing of the Zhouzhi diocese, who was detained in March 2007 by authorities in Shaanxi province, remain unknown. Bishop Wu was ordained

in 2006 with Vatican approval, but without the approval of the local CPA. Fr. Wang Zhong is still serving the three-year sentence imposed in 2007 for reportedly organizing a ceremony to consecrate a new church registered with the government. In May 2008, Fr. Zhang Jianlin and Fr. Zhang Li were detained in Hebei province as they travelled to a well-known shrine in Shanghai; they reportedly remain in some sort of detention at this time. Although Bishop Yao Ling was released in January 2009 after serving a two year sentence, at least 40 Roman Catholic bishops or priests remain imprisoned, detained, or disappeared, including the elderly Bishop Su Zhimin, who has been in prison, in detention, under house arrest, or under strict surveillance since the 1970s. In addition, there is still no information on the whereabouts of Bishop Shi Enxiang, who was arrested in April 2001.

Members and leaders of unregistered Protestant groups in China continued to face harassment and harsh punishments, including detention, fines, beatings, confiscation of property, arrest, and mistreatment and torture in custody. In the last year, according to credible reports, 764 Protestant leaders and adherents were arrested for some period of time during the past year, 35 of whom were sentenced to terms of imprisonment over one year, including in China's infamous "re-education through labor" system. The State Department estimates that "thousands" of house church members were detained for short periods in the last year. Arrests for and harassment of peaceful Protestant religious activity occurred in at least 17 provinces and two municipalities, with the most incidents occurring in Henan, Xinjiang, Shandong, Hebei, and Zhejiang provinces. Members of unregistered churches that the government deems "evil cults" were the most vulnerable to detention. An extrajudicial security apparatus called the 6-10 Office, which was started to monitor and suppress Falun Gong activity, has broadened its mandate reportedly to include groups that self-identify as Protestant.

The Chinese government also took active steps to impede religious groups and human rights defenders access to visiting foreign delegations and overseas contact, threatening to "strike hard" against

anyone involved with "hostile" foreign groups. During the Olympics, religious leaders were prevented from attending a worship service with President George W. Bush, and several human rights defenders active in religious cases were prevented from meeting with visiting Members of Congress. Pastor Zhang "Bike" Mingxuan, head of the Chinese House Church Alliance, was prevented from meeting a visiting European Parliament delegation and reporters covering the Beijing Olympics Games. Over the past year Pastor Mingxuan was detained several times, forcibly removed from Beijing during the Olympics, fined, evicted from his apartment, and his sons were beaten by police. In March 2009, Pastor Mingxuan was arrested again in Beijing and sent to Henan Province to be questioned and detained.

In the lead up to the Beijing Olympic Games, the government's repression of house church and unregistered Protestant groups increased dramatically. Many house churches report that they were asked by local public security officials to disband during the Games, especially high-profile congregations that met near Olympic venues. The Beijing Gospel Church, with a membership of 1,000 people, was raided by officials from four different agencies in May 2008. The congregation's minister, Pastor Gao Zhen, was detained, interrogated, and then released. Also in May, local police raided the Chengdu Qiuyu Blessings Church near Shangliu, Chengdu Province, telling church they were suspected of "illegal religious practices" and confiscating Bibles, hymnals, and other educational materials. Five members of a church associated with the Honghui Coal Mine in Baiyin City, Gansu Province, were detained in June 2008. They were sentenced to administrative detention and forced to pay fines of \$145. Several prominent Christian leaders were placed under strict surveillance during the Olympic Games last August including Christian writer Yu Jie and Pastor Zhang Mingxuan and his wife. Approximately 100 foreign Christians were detained, interrogated, and eventually expelled from the country during the Olympics on charges of "illegal religious activity."

The Chairman of the XUAR, Ismail Tiliwaldi, has urged local police and religious affairs officials to “exercise stronger management” over Protestantism and Catholicism and to guard strictly against foreign infiltration and sabotage. In May 2007, police in the XUAR detained 30 house church leaders who were meeting with foreign religious leaders; those detained were mistreated or, in some cases beaten in custody before they were released. In April 2008, XUAR police arrested 46 Christians while they worshipped in a house church. They were forced to pay fines, study government handbooks on religious policy, and were sentenced to 15 days of administrative detention. Osman Imin (also known as Wusimanyiming) was arrested in November 2007 and sentenced to two years of “re-education through labor” on charges that he assisted foreigners in conducting “illegal religious activities” related to public religious expression and persuasion among the Uighur community. Lou Yuanqi, the pastor of a growing house church, was detained on May 17, 2008 on charges of “utilizing superstition to undermine the law.” A XUAR court refused to take his case because of insufficient evidence; however, he remains in detention. In January 2008, Alimjan Himit (Alimujiang Yimiti)—a house church leader in the XUAR who had previously worked for a foreign-owned company shut down for “illegal religious infiltration activities”—was detained and charged with subverting state power and endangering national security. Although a court in Kashgar returned Himit’s case to the procuratorate due to insufficient evidence in May 2008, he remains in detention. In September 2008, the UN Working Group on Arbitrary Detention decided that Himit had been arbitrarily detained in violation of international standards.

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 materials. In November 2007, Shi Weihang served 37 days of criminal detention in Beijing for illegally publishing Bibles and Christian literature. He was arrested again in March 2008 and denied access to his lawyer until April; in June his sentence was extended for two months. He is currently awaiting trial. In May

2008, Pastor Dong Yutao was arrested for receiving a shipment of illegally imported Bibles.

The Chinese government continues to maintain a harsh campaign against adherents of the Falun Gong spiritual movement, which it considers an “evil cult” and has banned since 1999. Police continued to detain current and former Falun Gong practitioners and to place them in re-education through labor camps (RTL) without trial or in mental health institutions. There is no credible information on just how many Falun Gong practitioners were imprisoned over the past decade, but some international observers claim that they may be as many as half of the total number of the 250,000 Chinese detained in RTL camps. Provincial officials reportedly offer sizable rewards to anyone who provides information leading to the arrest of a Falun Gong practitioner. In the year before the Olympic Games, police waged a concerted campaign to harass and detain known Falun Gong practitioners and brutally suppress their activity, an estimated 8,037 Falun Gong were detained between December 2007 and August 2008. In February 2008, Falun Gong practitioner Yu Zhou died in police custody. Police claimed that he died of complications related to diabetes, but his family claims he was healthy before his arrest and they were denied an autopsy. In November 2008, Xu Na, a member of Falun Gong, and her husband were detained for possessing Falun Gong materials, which is considered a criminal offense. Her husband died after 11 days in detention, and Xu Na was sentenced to three years in prison. In May, 2008 Yang Xiyao of Yanshan county, Hebei province, was detained after police raided his home and found Falun Gong publications. Most recently, in July 2008, Chen Zhenping was arrested and tried in secret without legal representation for being a Falun Gong practitioner. She was sentenced to eight years imprisonment.

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

Imprisoned Falun Gong reportedly are subject to mistreatment and torture. The UN Special Rapporteur on Torture reported that Falun Gong practitioners make up two-thirds of the alleged victims of torture. Numerous allegations of government-sanctioned organ harvesting from incarcerated practitioners have surfaced within the last several years as well. Independent investigation into the practices of a hospital in Sujiatun, Shenyang proved inconclusive. However, based upon a report from two prominent Canadian human rights activists, international human rights organizations have called for an independent investigation and for continued international attention to allegations of organ harvesting from prisoners. The UN Committee on Torture, during its 2008 review of China, also called on the government to conduct independent investigations to clarify discrepancies in statistics related to organ transplants and allegations of torture of Falun Gong practitioners.

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

During the past several years, there has been a continuing crackdown against human rights activists, lawyers, and others who attempted to use the Chinese legal system to defend the rights of Chinese citizens, including those who sought to

practice their right to freedom of religion. Lawyers have been harassed, beaten, threatened, disappeared, or have lost their legal licenses over the past year. In September 2007, attorney Li Heping, a prominent religious freedom advocate, was beaten with electronic batons for nearly five hours and ordered to stop practicing law. He refused and his legal license was revoked. In November 2007, human rights lawyer Yang Maodong (also known as Guo Feixiong) was sentenced to five years imprisonment on charges of “illegal business practices.” According to his wife and lawyer, he has been subjected to shocks from electric batons and other mistreatment while in prison. Yang Maodong is the former law partner of Gao Zhisheng, one of China’s best known human rights lawyers, who defended Falun Gong and unregistered Protestants and was a vocal critic of the Chinese government’s human rights record. Gao disappeared in February 2009 and his whereabouts, at this time, remain unknown. Before his disappearance, Gao published a report of the torture he endured during a September 2007 interrogation. In February 2008, police seized lawyer Teng Biao in Beijing for questioning, warned him to stop writing articles criticizing China’s human rights record, and threatened him with jail time and the loss of his university job. After Teng agreed to defend Tibetans arrested following the March 2008 protests, officials refused to renew his legal license. On March 3, 2009, the Chinese government revoked the legal license of Beijing’s Yitong Law Firm, whose lawyers handled human rights cases, including representing unregistered house church Protestants and the Falun Gong. Lawyers Li Subin, Liu Xiaoyuan, Zhang Jianguo, Cheng Hai, Wen Haibo, and Yang Huiwen were singled out for censure, in particular, because of their human rights work.

Despite experiencing ongoing harassment, arrest, and restrictions, human rights defenders have had some minimal success using the legal system to challenge official abuse or have sentences reduced. For example, in November 2007, house church members in Shandong province successfully filed suit against the local public security bureau and were awarded confiscated Bibles, computers, and other goods taken in a raid. In September 2008, a Chengdu church filed a suit against the local religious affairs

bureau (RAB) for closing down the church earlier in the year. The provincial RAB reportedly later issued a decision overturning the local bureau's decision. In some cases, lawyers for the Falun Gong have also been able to represent their clients without prior approval from the Ministry of Justice. This occasionally has led to reduced or suspended sentences; however, the practice is only allowed in Beijing and not in other parts of China.

Recommendations for U.S. Policy

Given that religious freedom and related human rights concerns are directly related to expanding the rule of law, security, and China's compliance with international obligations, the Commission urges the Obama Administration, as it reviews various policy approaches, to include religious freedom concerns in discussions at that highest level and signal clearly that human rights are a vital U.S. interest that will affect the flexibility and scope of U.S.-China relations. In both bilateral relations and in multilateral institutions where the United States and China are members, the Commission makes the following recommendations concerning U.S. policy toward China.

I. Ending Human Rights Abuses in China

The U.S. government should:

- fully employ all the available tools specified in the International Religious Freedom Act (IRFA) for countries designated as "countries of particular concern" (CPCs), including sanctions or some other commensurate action, and cease the practice of prior Administrations of relying on "pre-existing sanctions" that do not address specific religious freedom abuses, by issuing a new presidential action that would focus on either state agencies or actors who perpetrate religious freedom abuses or on provinces or localities where religious freedom conditions are most egregious; and
- raise publicly concerns about Chinese human rights abuses in appropriate multilateral and international fora, including the UN General

Assembly and Human Rights Council, and ensure that preparations for such actions be made at appropriately high levels with other UN member states.

In addition, the U.S. government should urge the Chinese government to:

- end its current crackdown on religious and spiritual groups throughout China, including harassment, surveillance, arrest, and detention of persons on account of their religion or belief; torture and ill-treatment of persons in prisons, labor camps, psychiatric facilities, and other places of confinement; and the coercion of individuals to renounce or condemn any religion or belief;
- release all those imprisoned, detained, or disappeared on account of their manifestation of religious belief or activities, including Gao Zhisheng, Xu Na, Fr. Zhang Li, Chen Zhenping, Bishop Jia Zhiguo, Shi Weihai, Alimjan Himit, Yang Maodong, Osman Imin, Abdukadir Mahsum, Imam Adil Qarim, Fr. Zhang Jianlin, Bishop Su Zhimin, and Gedhun Choekyi Nyima;
- provide a full accounting of all those detained, released, tried and sentenced in public order disturbances in Tibet in the last year; allow immediate access for international observers, including the International Committee of the Red Cross, to all acknowledged or unacknowledged detention facilities; and implement all Tibet-related recommendations of the UN High Commissioner for Human Rights, the Committee on Torture, and the Special Rapporteurs on Torture, Freedom of Religion or Belief, Extrajudicial and Summary Executions, and Human Rights Defenders;
- cease the use of torture and implement mechanisms so that alleged incidents are consistently and impartially investigated, evidence procured through torture is excluded at trial, mistreatment of North Korean refugees in detention is halted and no asylum-seeker in

China is returned to a country where they face a real possibility of torture;

- issue a national decree that guarantees the right of minors to manifest their religion or belief and the right of parents to ensure the religious and moral education of their children;
- establish a mechanism for reviewing cases of persons, including religious leaders, detained under suspicion of, or charged with, offenses relating to state security, disturbing social order, “counterrevolutionary” or “splittist” activities, or organizing or participating in “illegal” gatherings or religious activities; and
- extend an unconditional invitation to visit China to the UN Special Rapporteur on the Independence of Lawyers and Judges to visit China with full access in compliance with the terms of reference required by the Special Rapporteur, and determine dates for visits to China by both the Special Rapporteur on the Freedom of Religion or Belief and the Special Rapporteur on Human Rights Defenders, with full access in compliance with the terms of reference required by the Special Rapporteurs.

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 by continuing to urge the Chinese government to:

- ratify and implement the International Covenant on Civil and Political Rights (ICCPR), which China signed in 1998, without reservations undermining religious freedom protections, and sign and ratify the Optional Protocol to the ICCPR;
- amend Article 36 of the Constitution to explicitly protect the right not only to believe but to manifest one’s religious belief without state interference;
- amend or repeal Article 306 of the Criminal Procedure Code, which has been used against attorneys who have vigorously defended the rights of their clients;
- amend or repeal Article 111 of the Criminal Procedure Code, which labels as “state secrets” any published information deemed embarrassing to the government, and raise the issue of China’s use of “state security” as a rationale for suppressing dissent in 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;
- abolish the system of re-education through labor (RTL) camps and all other administration and extrajudicial detention centers, including the “transformation through reeducation” facilities of the 6-10 office;
- revise the Ministry of Justice’s “Methods for the Management of Lawyers Professional Licenses” and similar local regulations to ensure that lawyers’ annual registration is not subject to political considerations or other arbitrary factors and make sure that no lawyer should be denied renewal of registration on the basis of the cases he or she has represented or is representing;
- repeal Article 300 of the Criminal Procedure Code, which deals with individuals accused of crimes associated with “evil cults,” and also its associated legislation, the Decision of the Standing Committee of the National People’s Congress on Banning Heretical Cult Organizations, Preventing and Punishing Cult Activities; 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; and revise the September 2000 State Council regulations on Internet Content Providers (ICPs) and offer ICPs clear and consistent guidelines for Web site content and usage to ensure that Chinese law and practice in this area conform to international standards on the freedoms of opinion and expression.

III. Building Programs to Support Chinese Rights Defenders

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

- 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 international standards on freedom of religion or belief;

- through the 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. Public Diplomacy and Human Rights Programs in Tibet and Xinjiang

The U.S. government should:

- urge the Chinese government to allow a U.S. government presence, such as consulates in Lhasa, Tibet and Urumqi, Xinjiang which could monitor religious freedom and other human rights conditions;
- appoint promptly a Special Coordinator on Tibetan issues at the State Department in order to press Beijing to end the criminalization of peaceful advocacy in Tibet, to engage in constructive dialogue over the future of Tibetans within China, and to coordinate with other nations on issues related to Tibet for bilateral discussion and multilateral diplomacy; and
- strengthen efforts to highlight conditions faced by Uighur Muslims and Tibetan Buddhists by:
 - increasing educational opportunities in the United States for religious and other leaders from these regions, in order to enhance their understanding of religious freedom and other human rights according to international standards;
 - creating legal clinics to assist those in areas with high concentrations of Uighur Muslims and Tibetan Buddhists to enforce their human rights under the Chinese Constitution and international law, similar to existing programs that serve other ethnic minority areas in China;

--giving political and financial support to programs that address chronic needs, as articulated by the Tibetan and Uighur people, in such areas as education, work force development, language and culture preservation, environmental protection, and sustainable development; 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 & Human Rights Protections

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

- prioritize human rights and religious freedom issues as key issues in the Senior Dialogue’s agenda, in addition to raising them in a regular human rights dialogue; raise a full range of religious freedom concerns in high-level discussions in each 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 Dialogue are implemented through appropriate U.S. government foreign assistance programs on such issues as legal reform, civil society capacity-building, public diplomacy, and cultural and religious preservation and exchanges.

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. Protecting and Aiding North Korean Refugees in China

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

- uphold its international obligations to protect asylum seekers, by 1) working with the UN High Commissioner for Refugees (UNHCR) to establish a mechanism to confer temporary asylum on those seeking such protection and to permit safe transport to countries of final asylum; 2) providing the UNHCR with unrestricted access to interview North Korean nationals in China; and 3) ensuring that the return of any migrants pursuant to any bilateral agreement does not violate China’s obligations under the 1951 Refugee Convention and its 1967 Protocol or under Article 3 of the Convention Against Torture;
- allow international humanitarian organizations greater access to North Koreans in China, to address growing social problems, abuses, and exploitation experienced by this vulnerable population, and work with regional and European allies to articulate a consistent and clear message about China’s need to protect North Korean refugees;
- allow greater numbers of North Korean migrants who desire resettlement to have safe haven and secure transit until they reach third countries; and
- grant legal residence to the North Korean spouses of Chinese citizens and their children.