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People's Republic of China

FINDINGS: The Chinese government continues to violate severely its international obligations to protect the freedom of thought, conscience, and religion or belief. Religious groups and individuals considered to threaten national security or social harmony, or whose practices are deemed superstitious, cult-like, or beyond the vague legal definition of “normal religious activities” face severe restrictions, harassment, detention, imprisonment, and other abuses. Religious freedom conditions for Tibetan Buddhists and Uighur Muslims remain particularly acute, as the government broadened its efforts to discredit and imprison religious leaders, control the selection of clergy, ban certain religious gatherings, and control the distribution of religious literature by members of these groups. The government also detained hundreds of unregistered Protestants in the past year and stepped up efforts to shutter “illegal” meeting points and public worship activities. Dozens of unregistered Catholic clergy remain in detention or have disappeared, and relations between the Vatican and Beijing have declined in the past year. Falun Gong adherents continue to be targeted by extralegal security forces and tortured and mistreated in detention. The Chinese government also continues to harass, detain, intimidate, disbar, and forcibly disappear attorneys who defend vulnerable religious groups.

Because of these systematic, ongoing, and egregious violations of religious freedom, USCIRF recommends in 2012 that China again be designated as a “country of particular concern,” or CPC. The State Department has designated China as a CPC since 1999.

Religious communities continue to grow rapidly in China. Hundreds of millions of Chinese manifest their beliefs openly and senior government officials now praise religious communities’ positive role and articulate a desire for approved religious groups to promote “economic and social development.” There has been some discussion of allowing approved religious groups to conduct charitable activities. These are positive developments that were unthinkable two decades ago. Nevertheless, the government continues to expand its control over religious activities of groups it views as political threats. Government authorities continue to praise religious groups who resist “foreign infiltration,” forbid religious affiliation among Communist Party members, and support an extralegal security force to suppress the activities of so-called “evil cult” organizations. The Chinese government also severely restricts online access to religious information and the authority of religious communities to choose their own leadership and parents to teach their children religion. Restrictions on religious activity cause deep resentment in Tibetan and Uighur communities.

PRIORITY RECOMMENDATIONS: Promoting religious freedom is a vital U.S. interest that can positively affect the United States’ future security, economic, and political relations with China. The United States should raise religious freedom concerns repeatedly at all levels of the U.S.-China relationship and coordinate potential sources of leverage within the U.S. government and with allies to build a consistent and multi-level human rights diplomacy. Consistent public statements by top U.S. officials, negotiations of human rights agreements at the U.S.-China Strategic Dialogue, and the inclusion of human rights concerns at every level of the relationship are needed to show that religious freedom and related rights are fundamental interests of bilateral relations and not secondary concerns. In addition, the CPC designation should be used specifically to advance religious freedom. As it has done in other cases, the U.S. government should use the CPC designation to impose new sanctions, including travel bans and other financial penalties, targeting officials or state agencies that perpetuate religious freedom abuses and provinces where religious freedom conditions are most egregious. Additional recommendations for U.S. policy toward China can be found at the end of this chapter.

Religious Freedom Conditions

Restrictive Legal Framework and Government Interference

The Chinese Constitution guarantees the freedom of religion, but protects only “normal” religious activities and does not explicitly protect the right of individuals to manifest their beliefs without state interference. While a growing number of Chinese citizens are allowed to practice their religion legally, the government tightly controls the affairs of all religious groups and actively represses and harasses religious activity that it views as “superstitious,” a “cult,” a threat to national security or social harmony, or falling outside the vague parameters of “normal” religious practices. The majority of religious practice in China falls within these disfavored categories, creating large problems for the government’s religion policies which prioritize only the five government-approved religions – Buddhism, Daoism, Catholicism, Protestantism, and Islam. Chinese government officials, at many levels, have echoed President Hu Jintao’s 2007 speech describing a “positive role” for religious communities in China. However, they view this role in terms of bolstering support for state economic and social goals, not promoting international religious freedom norms. According to Wang Zuo’an, the head of State Administration of Religious Affairs (SARA) in a January 2011 speech, “the starting point and stopping point of work on religion is to unite and mobilize, to the greatest degree, the religious masses’ zeal to build socialism with Chinese characteristics.”

Chinese officials are increasingly adept at employing the language of human rights and the rule of law to defend repression of religious communities, citing purported national security concerns or using Chinese law broadly to restrict rather than advance universal freedoms. While the Chinese government has signed the International Covenant on Civil and Political Rights, it has neither ratified nor fully applied the treaty to its domestic legal framework, particularly in the area of freedom of religion and belief. A 2011 State Council Information Office human rights “white paper,” issued to describe the previous year’s human rights progress, mentioned a range of civil, political, economic, and social rights, but did not mention religious freedom.

Despite restrictions, harassment, arrests, and government oversight, the number of religious adherents continues to grow in China and the government continues to tolerate regular and public worship activities of both legally-approved and some unregistered religious groups. Tolerance for unregistered religious activity often varies, depending on province or locality. Government estimates place the total number of religious believers of all faiths in China at around 100 million, though those figures are probably too conservative, as this number has been used for most of the past decade. Chinese academics, for instance, estimate that there as many as 75 million Protestants in the country alone, and this does not account for Buddhist and Daoist religious communities, which are the largest in China.

Tolerance for religious practice does not extend to members of the Communist Party, which continues to see religious affiliation as a threat to the party’s longevity. In an essay in the party’s journal *Qiushi* (Seeking Truth), Zhu Weiqun, deputy director of the United Front Work Department, warned that allowing religious believers membership will “divid[e] the party ideologically and theoretically” and undermine its fight against religious extremism, particularly if believers gain control over religion policy.

The Chinese government's religion policy is governed by the National Regulations on Religious Affairs (NRRA), first issued in March 2005 and updated in 2007. The NRRA requires all religious groups and venues to affiliate with one of seven government-approved associations and allows government control of every aspect of religious practice and related activities. Within the bounds of the Chinese legal system, the NRRA does expand protections for registered religious groups to carry out some religious activities and charitable work. 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. The NRRA permits only "normal religious activity" and contains vague national security provisions that can justify the suppression of unregistered religious activity, the activities of organizations deemed "cults," and the peaceful religious activity of Uighur Muslims and Tibetan Buddhists.

In the past year, SARA has also announced plans to issue new legal guidelines governing the religious activities of foreigners, the granting of degrees in religious training schools, and the management of the foreign relations of religious groups. There have also been numerous public statements about plans to allow some faith-based charitable activities, but no concrete proposals have emerged. While SARA's proposed new guidelines may provide clarity to the often-vague provisions of the NRRA, they also indicate new levels of management and control over all aspects of religious affairs, including the religious life of a growing number of foreigners living in China.

The government continues to use law to restrict religious activity rather than protect religious freedom, particularly with respect to the peaceful religious practice of Tibetan Buddhists and Uighur Muslims. Any unregistered religious activity, particularly by Protestants, Catholics, folk religionists, and Falun Gong, is technically illegal and vulnerable to official abuse. Repression of unregistered religious activity varies by region, province, politics, and ethnicity. In some localities, officials arbitrarily implement national government policy and allow some unregistered groups, sometimes with thousands of members, to carry out worship activities openly. Such practices are, however, exceptions to the larger rule.

There is evidence that the government seeks to "guide" unregistered Christian groups toward affiliation with government-sanctioned groups and to stop the proliferation of unregistered Buddhist, Daoist, or folk religion venues because they promote "superstition." Catholics, Protestants, Buddhists, and members of spiritual movements consistently have refused to join the officially-sanctioned religious organizations because they refuse, among other things, to: provide the names and contact information of their followers; submit leadership decisions to the government or to one of the government-approved religious organizations; or seek advance permission from the government for all major religious activities or theological positions. In addition, they do not trust government oversight given past persecution.

In Tibetan and Uighur regions, the NRRA includes additional restrictions on peaceful religious expression and leadership decisions and is supplemented by extensive provincial regulations. During the reporting period, the Chinese government intensified its campaign of "patriotic education" among monks, nuns, and imams in these regions, in an effort to quell activities viewed as political dissent, and issued new regulations to promote leaders who are considered

“patriotic and devoted.” The government-approved Islamic Association of China also has issued a series of sermons whose goal was to put forward “authentic interpretations of Islam.” (For more information, see the sections on Tibetan Buddhists and Uighur Muslims below.)

The Chinese government, as part of official policy, continues to restrict peaceful religious expression and the expansion of religious ideas or worship on the Internet. It confiscates or punishes the distribution of unapproved Bibles, Muslim books, Falun Gong documents, and interpretations of religious texts. It also blocks access to Internet sites of religious groups or those with “illegal” religious content. Nevertheless, there is evidence that a wide array of religious materials and books is available for purchase without restrictions.

Tibetan Buddhists

The religious freedom conditions in Tibetan Buddhist areas of China remained acute, worse now than at any time over the past decade. Since 2008 protests in Tibetan areas, the Chinese government has intensified efforts to discredit the Dalai Lama, issued new measures to increase government oversight of Tibetan Buddhist monastic affairs, implemented new “education” programs to measure the political loyalty of monks and nuns, and expanded the security presence at monasteries and nunneries. The government’s control of the doctrines, worship sites, and selection of religious leaders of Tibetan Buddhism, and its arrests and detentions of individuals who oppose government policy or support the Dalai Lama, have nurtured deep resentments among Tibetans and led to the self-immolation protests of 18 Tibetan nuns, monks, and former monks as of the end of this reporting period.

In August 2011, nine of the ten Tibetan autonomous regions in China issued new measures to subordinate internal Tibetan Buddhist affairs to central government regulation, particularly over monasteries that had resisted “management by law and supervision by the public.” These measures were coordinated with local initiatives of April 2011 that allowed religious personnel to be removed for perceived disloyalty to government policy, determined quotas for the number of monks and nuns who can live at monasteries, provided for more secular oversight of monastic groups through existing Democratic Management Committees, and required religious personnel to re-register based on conformity with unspecified political, professional, and personal criteria. These measures severely threaten Tibetan Buddhists’ ability to educate and select their own leaders and are a severe violation of the freedoms of religion, speech, and association. There is real concern that government officials will use the new regulations to remove monks, nuns, or *trulkus* (living Buddhas) viewed as devoted to the Dalai Lama or his recognized Panchen Lama, or to those holding positions the government deems problematic or illegal.

During the past year, the Chinese and local governments in Tibetan areas continued their campaigns to undermine the authority of the Dalai Lama with the goal of selecting his eventual successor. Government officials continue to call him a “splittist” who uses religion to “deceive” Tibetans and the world community. During a U.S. visit, Jampa Phuntsog, Chairman of the Standing Committee of the Tibetan Autonomous Region People’s Congress, stated that “Tibet could develop much better without the Dalai Lama and his followers” and challenged the Dalai Lama’s stated intent to select his own successor. The NRRA allows extensive interference with

the selection of reincarnated lamas, including requiring government approval, in violation of an essential element of Tibetan Buddhist religious practice and education.

Suppression of peaceful Tibetan Buddhist religious activity played a primary role in stoking demonstrations in 2008 in the Tibetan Autonomous Region (TAR), as well as Tibetan areas elsewhere in China. Hundreds of monks and nuns were arrested and detained in the aftermath of the demonstrations. Protests against government interference in Tibetan religious life and the imprisonment of religious leaders continued in 2011, mostly in Tibetan areas of Sichuan province. At least 240 Tibetan Buddhist monks, nuns, and trulkus are currently imprisoned in China, according to the database of the Congressional-Executive Commission on China (CECC). Despite requests, the Chinese government has not provided full details or a credible accounting of those detained, missing, or “disappeared,” trials have not been open, and those accused are not given adequate legal representation.

The Chinese government continues to deny repeated international requests for access to the “disappeared” 19-year-old Gendun Choekyi Nyima, whom the Dalai Lama designated as the 11th Panchen Lama when he was six years old. Government officials claim that he is alive and being “held for his own safety.” The Chinese government insists that another boy, Gyaltzen Norbu, is the “true” Panchen Lama, one of the most revered positions in Tibetan Buddhism and a religious figure who will play an important role in selecting the next Dalai Lama.

In the past year, local government officials have escalated campaigns to require monks and nuns to sign statements denouncing the Dalai Lama and expanded an already-heavy security presence at monasteries and nunneries, particularly in Tibetan areas of Sichuan. According to the CECC, these areas have the highest number of Tibetan religious and political prisoners. A heavy security presence at monasteries and nunneries in these areas has caused further resentment and restrictions on the religious life and movement of Tibetan Buddhist monastics.

During the past reporting period, at least 16 monks, nuns, former monks, and three laypeople attempted self-immolation protests against government interference in Tibetan Buddhist affairs. At least twelve have died. The others were hospitalized and are being held in unknown locations. As they burned, the protesters reportedly called for Tibetan freedom and the Dalai Lama’s return to Tibet. According to the International Campaign for Tibet, the majority of the self-immolations involved current and former monks of the Kirti Monastery, located in Aba (Ngaba) county, Aba Tibetan and Qiang Autonomous Prefecture. The protests have spread beyond Kirti to monasteries and nunneries in Ganzi (Kardze), Tibetan Autonomous Prefecture, Chamdo prefecture in the TAR, and Golog Tibetan Autonomous Prefecture in Qinghai province.

In November 2011, the Dalai Lama stated that the self-immolations are “desperate acts by people seeking justice and freedom.” Chinese authorities have not acknowledged that their policies of repression have contributed to the self-immolations. In a November, 2011 *Xinhua* story, local Chinese officials called the self-immolations “terrorist acts in disguise” that “took place with the Dalai clique’s orchestration, instigation and support.”

Despite the efforts of the U.S. and other governments, no formal dialogue took place between the Dalai Lama’s representatives and Chinese government and Communist Party officials during the past year. Moreover, the environment for productive exchanges deteriorated markedly, given the

new measures restricting religious freedom and the government's public denunciation campaigns against the Dalai Lama.

Uighur Muslims

In the Xinjiang Uighur Autonomous Region (XUAR) and other areas of Xinjiang province, religious freedom conditions continue to deteriorate. Long-standing Uighur grievances are exacerbated by Chinese government efforts to stamp out "the three evil forces" of terrorism, separatism, and religious extremism. The government's connection of independent religious activity and terrorism has led to serious religious freedom abuses in recent years. China's active repression of Uighur religion and culture may be counterproductive, leading to the very type of extremism Beijing's policies are trying to forestall. In the past year, the government intensified campaigns to curtail "religious extremism," "illegal religious gatherings," and "weaken religious consciousness." Regional regulations and local directives restricting religious practice in Uighur areas are harsher than those found in other parts of China.

Following demonstrations and riots in July 2009, the XUAR government instituted sweeping security measures and campaigns to promote "ethnic unity," curb free speech, and halt independent religious activity or public protest. Both Muslims and some Protestants in the XUAR have experienced increased harassment, arrests, and efforts to weaken religious adherence and cultural identity. XUAR authorities continue to view "illegal religious activities" and "religious extremism" as a threat to provincial stability. The exact meaning of these terms is vague and undefined, though authorities reported targeting 23 kinds of "illegal religious activity," including student prayer, holding unauthorized religious classes, "distortion" of religious doctrine, conducting certain marriage and divorce practices, and advocating "Pan-Islamism" and "Pan-Turkism." Restrictions on such peaceful expressions of speech, association, and religion do not comport with obligations under international human rights treaties to which China is a party.

According to Radio Free Asia, XUAR Communist Party Secretary Zhang Chunxian kicked off an August 2011 "strike-hard" anti-terrorism campaign by pledging to curtail illegal religious activities. In April 2011, two Muslim men, Qahar Mensur and Muhemmed Tursun, were sentenced to three years' imprisonment for allegedly distributing "illegal religious publications," though local residents claim that the men were arrested because they refused to bring government documents into the mosque where Qahar Mensur was employed.

In June 2011 in the city of Hotan, according to RFA, security personnel closed seven schools and detained 39 people in nighttime raids. Also in June, seven Uighurs and one Chinese police officer died during an attempt by a group of Uighurs to cross the border into Pakistan. Although Chinese media claimed the group was going to Pakistan to engage in "holy war," surviving members of the party told RFA they were fleeing to Pakistan to worship without restrictions, as they had previously been arrested for conducting religious studies in their homes.

In January 2012, XUAR officials announced new measures to increase security and "discourage religious extremism." According to the Chinese official media source *Xinhua*, authorities will stage public lectures throughout Xinjiang to "discourage illegal religious activities ... and advocate

proper dress codes, patriotism, and efforts to promote peace and discourage violence.” In addition, 8,000 new police officers will be deployed, with at least one police officer in every village, to manage the migrant population and “crack down on illegal religious activities,” according to the spokesman of the XUAR Committee of Political and Legislative Affairs of the Communist Party of China.

Such efforts are part of the larger XUAR government policy to “weaken religious consciousness,” particularly among women, minors, and government employees. Regulations prohibit “luring” or “forcing” minors to participate in religious activities, and there continue to be reports that minors are barred from entering mosques. In March 2010, officials in Ili Kazakh Autonomous Prefecture issued regulations to forbid students from believing in religion, participating in religious activities, fasting, or wearing religious clothing, among other things. Guidelines were put in place to provide oversight of Uighur women religious leaders (*buwi*) and to dissuade women from wearing veils. In response to these government efforts, 600 protestors marched in Hotan against a proposed ban on headscarves and other restrictions on religious freedom. XUAR authorities maintained their campaign to halt “illegal” religious schools and the home study of the Qur’an.

Increasingly, XUAR authorities are also creating systems of “religious information gatherers” to provide information on Friday sermons and Muslims’ religious activity. According to information compiled by the CECC, such a system was authorized last year in Chapchal Xibe Autonomous County, Ili Kazakh Autonomous Prefecture, and in parts of the city of Urumqi, where authorities called on religious personnel to halt the emergence of “illegal religious sects” that they deem “contrary” to the Qur’an. In Uru city, Tacheng district, “information corps” in some residential areas were required to report the presence of outsiders wearing long beards or veiling their faces or “residents holding extremist religious thoughts.” According to the Uyghur-American Association (UAA), villages in Hoten implemented a system of “voluntary pledges” to regulate religious and political behavior of villagers, placing special emphasis on promises to curb “illegal religious activity.”

In Uighur areas, imams 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 attend such meetings can result in the imam’s expulsion or detention.

The XUAR government limits access to mosques and spiritual pilgrimages, including by women, children, communist party members, and government employees. Uighur Muslim clerics and students have been detained for various “illegal” religious activities, “illegal” religious centers and religious schools have been closed, and police confiscate religious publications. Throughout Xinjiang, teachers, professors, university students, and other government employees are prohibited from engaging in public 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. A township in Aqsu district included veiling and wearing long beards or “bizarre clothes” among targets of a campaign against “illegal” religious activities.

These standards are enforced more strictly in southern Xinjiang and other areas where Uighurs account for a higher percentage of the population.

The State Department estimates that over 1,000 people were arrested in the XUAR on charges related to state security over the past two years, including on charges of “religious extremism.” Numerous Uighur Muslims have been arrested for peacefully organizing and demonstrating for their religious freedom, including Abdukadir Mahsum, who is serving a 15-year prison sentence. Due to the lack of judicial transparency and the government’s equation of peaceful religious activity with religious extremism and promotion of 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 members of the family of Rebiya Kadeer, one of the most prominent Uighur human rights and religious freedom advocates, are still 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. Both Alim and Ablikim remain in prison, where they are reported to have been tortured and abused. Ablikim is reported to be in poor physical health without adequate medical care.

Catholics

The Chinese government continues to interfere in the religious activities of Chinese Catholics and to harass clergy in the officially-sanctioned Catholic Patriotic Association (CPA) who have been secretly recognized by the Vatican, as well as clergy and members of the Catholic community who refuse to affiliate with the CPA. Governmental efforts to suppress the activities of “underground” Catholic congregations and to coerce Catholic clergy to join the CPA are particularly intense in the two provinces with the largest Catholic communities, Hebei and Shaanxi. Government efforts to exert control over the Catholic Church’s affairs expanded in the past year, as Beijing ordained a Bishop without Vatican approval and arranged for the election of unapproved Bishops to main leadership positions in the CPA and the Bishops’ Conference of the Catholic Church in China. These organizations are not recognized by the Holy See.

Beijing continues to prohibit Catholic clergy from communicating with the Vatican, resulting in strained relations between the CPA and the unregistered Chinese Catholic church and between the Chinese government and the Holy See. Despite this 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. Since 2006, the Vatican and the Chinese government had worked together to select bishops, reversing a previous trend of the government appointing bishops without Vatican approval. In 2010, eleven Chinese bishops were ordained, only one of whom was not Vatican-approved. In November 2010 the CPA ordained Guo Jincai bishop of Chengde (Hebei) without prior approval or affiliation with the Vatican -- a move that, according to a Vatican spokesman, “set back” relations between Beijing and the Holy See. In April and June 2010, respectively, the CPA ordained Paul Meng Qinglu bishop of a diocese in Inner Mongolia and Joseph Han Yinghin bishop of Sanyuan (Shaanxi), both with the approval of the Holy See. Nevertheless, Bishop Meng’s ordination was not without controversy, as the CPA insisted that Bishop Du Jiang, recognized by the Vatican,

attend the ordination ceremony with Ma Yinglin, a bishop ordained without Vatican approval in 2006. Bishop Du was later placed under house arrest where he reportedly remains.

In July 2011, the CPA ordained without prior approval Fr. Huang Bingzhang as the new bishop of Shantou and Paul Lei Shiyin as bishop of Leshan. Four bishops loyal the Vatican, Liao Hongqing, Su Yongda, Gan Junqui, and Liang Jiansen, were taken into custody and reportedly forced to participate in the ordination ceremony of Fr. Huang. Both Huang Bingzhang and Paul Lei Shiyin were later excommunicated by Rome. The ordination of Fr. Joseph Sun Jigen as bishop of Handan, however, was postponed because Fr. Sun secretly sought and obtained approval of the Holy See prior to his scheduled June 29, 2011 ordination. He was taken into custody and reportedly remains detained at his home.

In June 2011, CPA president Liu Bainian announced that seven bishop candidates were being vetted for ordination during the following year, including the November 2011 installation of Vatican-approved Bishop Peter Luo Xuegang in Yinbin, Sichuan province. Nevertheless, the Vatican objected to the participation in the ceremony of excommunicated Bishop Paul Lei Shiyin. The CPA stated that it was moving forward with the ordination of at least 40 bishops.

The government continues to deny Catholic leaders the right to abstain from activities that contravene Holy See policies. For example, several bishops were forced to attend the National Conference of Chinese Catholic Representatives (NCCCR) in 2010, including the forcible removal of Bishop Feng Xinmao from his Hengshui city, Hebei province cathedral. The Vatican forbids leadership meetings with unaffiliated Catholic bishops.

According to the CECC, at least 40 Roman Catholic bishops remain imprisoned or detained, or were forcibly disappeared, including the elderly Bishop Su Zhimin, whose current whereabouts are unknown and who has been under strict surveillance since the 1970s. In addition, the whereabouts of Bishop Shi Enxiang, who was detained in April 2001, and Auxiliary Bishop Yao Ling, remain unknown. In July 2010, unregistered Catholic bishop Jia Zhiguo was released; he had been detained since March 2009 to prevent him from meeting with another bishop who had reconciled with the Vatican.

In January 2012, six priests from the Inner Mongolian city of Erenhot reportedly were arrested while attempting to meet to discuss pastoral care and leadership issues for unregistered Catholics in the Suiyuan diocese. Four of the six reportedly were released within several days, but the whereabouts of Fathers Ban Zhanxiong and Ma Mumin remain unknown. The arrests were allegedly related to a dispute over the transfer of priests in Erenhot by Bishop Paul Meng Qinglu, a Vatican-affiliated bishop who previously had participated in the illicit ordination of the bishop of Chengde (Hebei). Since the arrests, police reportedly have expanded efforts to curtail the activities of unregistered Catholics, closing the seminary and stationing police at churches.

The whereabouts of two unregistered priests, Ma Shengbao and Paul Ma, detained in March 2009, remain unknown. In addition, Father Li Huisheng remains in custody serving a seven-year term for “inciting the masses against the government” and Fr. Wang Zhong is serving a three-year sentence for organizing a ceremony to consecrate a new registered church. In March 2010, underground priests Luo Wen and Liu Maochun were detained after they organized youth camps

for university students. Authorities released Luo within two weeks, but there is no evidence that Liu was released.

Protestants

The Chinese government continues to restrict the religious activities of Protestants who worship in the government-approved church and to harass, intimidate, arrest, and detain unregistered Protestants. In the past year, government efforts to suppress the growth and activities of unregistered “house church” Protestants were systematic and intense. Authorities raided house church gatherings and took participants into custody, placed unregistered Protestant pastors under house arrest, and blocked access to sites of worship.

According to the NGO ChinaAid, over a thousand Protestants were detained in the past year and given sentences of over one year for their religious activities or religious freedom advocacy. Authorities were holding Protestant leaders under an extra-legal form of “soft detention” or house arrest. The pastors of Beijing’s Shouwang Church and Protestant leaders such as Dr. Fan Yafeng have not been able to leave their heavily-monitored homes for over a year.

The majority of Protestants in China, estimated to be at least 70 million, are affiliated with the house church movement, which refuses, both for theological and political reasons, to affiliate with the government-sanctioned Three-Self Protestant Movement (TSPM) or the China Christian Council (CCC). Nevertheless, government policy maintains that all Protestants must register and join one of the officially-recognized religious organizations. Those that do not are technically illegal, though there is uneven enforcement of this provision, with some house churches meeting openly and regularly with memberships of several hundred to a thousand. In the past year, SARA urged government authorities to help “guide” Protestants who “participate in ... unauthorized gathering places” to worship in state-controlled churches. Two editorials in the Communist Party newspaper *Global Times* warned Protestants to participate only in government-sanctioned religious activities. Such public warnings often precede police enforcement of government policy.

House church leaders claim they do not want government oversight of their religious teachings or theology. The Chinese government publicly encourages TSPM and the CCC leaders to emphasize “theological reconstruction” in their religious training and teaching, doctrines which purge elements of Christian faith and practice that the Communist Party regards as incompatible with its goals and policies. In the past year, government leaders have publicly commended the TSPM and CCC for their efforts to promote “social harmony and stability,” for “resolutely resisting various forms of foreign religious infiltration,” and for “achieving positive results through promoting theological reconstruction.”

Beginning in April 2011, authorities in Beijing started to detain the leadership and prevent the worship activities of the Shouwang church, one of the largest unregistered congregations in China, with over 1,000 members. Church members began to organize outdoor worship gatherings to protest government efforts to close or break up their congregation. Beijing authorities reportedly pressured landlords to deny the Shouwang Church rented meeting space and blocked the church’s efforts to buy property. In the past year, over 700 church members

have been detained, interrogated, or threatened with the loss of jobs and apartments. In several instances, those detained reported mistreatment in custody, including an alleged rape of one female. Shouwang Church leaders, including pastors Jin Tianming, Yuan Ling, Zhang Xiaofeng, and Li Xiaobai, and lay leaders Sun Yi, You Guanhui, and Liu Guan, have been confined to their homes. Church members continue to attempt to meet weekly, though they are reportedly concluding attempts to engage in public worship activities in early April 2012.

In a May 2011, 22 house church leaders submitted a petition to the National People's Congress (NPC) calling on the body to resolve the stand-off between the Shouwang Church and authorities, examine the constitutionality of the NRRA, and pass a law that protects freedom of religion consistent with Article 18 of the Universal Declaration of Human Rights. The church leaders argued that freedom of religion includes the right to assembly, association, expression, education, and evangelization. Several of those who signed the letter, including Zhang Mingxuan, president of the China House Church Association (CHCA), have been harassed and detained.

According to multiple media reports, in May 2011, public security officials in Zhengzhou city, Henan province, raided a house church gathering and detained 49 people, including three members previously detained for making contact with the CHCA. All were released within a week. In June 2011, police in Suqian city, Jiangsu province, detained CHCA vice president Shi Enhao on suspicion of "using superstition to undermine the implementation of the law;" later he was sentenced to two years of re-education through labor. Following his sentencing, police raided his church three times and detained its leadership, and in November 2011, local authorities banned the church from holding services. Nevertheless, on January 20, 2012, Shi Enhao was released and his church has resumed regular worship services.

The Chinese government continues to view with suspicion religious organizations with extensive foreign ties, whose memberships grow too quickly, whose leadership becomes too popular, or whose religious activities disrupt ethnic or social "harmony." The CHCA has affiliated churches in several provinces and helped organize invitations for unregistered house church leaders to the Third Lausanne Congress on World Evangelization, held in South Africa in 2010. Over 200 Protestants were refused visas and briefly detained for attempting to attend the conference. Those who were detained were told that attending the conference would "endanger state security," a rationale often used to detain rights defenders.

According to ChinaAid, in September 2011, authorities in Ulangab, Inner Mongolia raided the Mengfu Student Fellowship, banned its gatherings, and fined its leader for "evangelizing" students. In October 2011, eleven house church leaders were also detained in the Tibetan capital of Lhasa. They were held for nearly a month before being released. They reported mistreatment in detention and the confiscation of religious materials.

The regular worship services of the unregistered Protestant church in Linfen, Shanxi province are still being suppressed, after its facilities were demolished and ten of the church's leaders were sentenced to prison terms ranging from two to seven years. The church was reported, at one time, to have as many as 50,000 members. In the past year, church members were prohibited from resuming regular services and during the 2011 Christmas season, police vehicles and

armored personnel carriers closed off the road leading to their former meeting point. In the past two years, the Wanbang Church of Shanghai and the Autumn Rain Church in Chengdu, Sichuan province experienced similar problems.

Authorities also have interfered in the religious activities of officially-recognized Protestants. For example, in February 2012, authorities demolished without compensation the two decades old Xin'an church in Lieshan village, Anhui province. On November 19, 2010, the registered Chengnan Church, in Tinghu district, Yancheng city, Jiangsu province, was demolished after government officials and real estate developers had unsuccessfully sought to purchase the church's property to build commercial residential buildings.

Members of unregistered Protestant groups that the government arbitrarily deems "evil cults" were the most vulnerable to detention and harassment. The extrajudicial security apparatus, called the 6-10 Office, has broadened its mandate beyond Falun Gong activity to include groups that self-identify as Protestant. The government has banned at least 18 Protestant groups, as well as many more congregations and movements that are active in only one province. Examples of banned groups include the South China Church (SCC), the Disciples Association, the "Shouters," and the Local Church, a group that was founded by Chinese church leader Watchman Nee, one of the most influential and widely-read theologians of the 20th century. The Chinese government continues to reserve for itself the final right to determine a religious group's theological legitimacy. In March 2011, security officials in Qu County, Sichuan province arrested Liao Zhongxiu, leader of a house church, on charges of "suspicion of utilizing a cult organization in undermining the implementation of the state law and regulations." It was the second time that Ms. Liao's church was raided since September 2010. Ms. Liao remains in custody and has reportedly been threatened if she seeks to hire a lawyer.

In January 2012, according to the NGO China Human Rights Defenders Network, officials in Hunan Province threatened parents with the expulsion of their children from school unless they signed a guarantee not to take part in the "evil cult" activities involving Falun Gong and house church Protestantism. Parents in Wugang City must sign such an agreement to register their children for school, which violates both the rights to education and freedom of religion or belief. To spread information about the requirement, the local government held more than 30 events related to "evil cults" during the Chinese New Year, disseminating tens of thousands of publications about opposing Falun Gong and house churches.

Protestant pastor Alimjan Yimit (Himit) continues to serve a fifteen-year sentence in the XUAR, allegedly for "leaking state secrets to overseas organizations." According to his lawyer, he was arrested for having contact with visiting Protestants from the United States. Unregistered Protestant pastor Zhang Rongliang was released in November 2011 after completing his seven-year sentence for allegedly "obtaining a fraudulent passport and illegally crossing the border." Zhang frequently traveled overseas to speak at Christian gatherings. Also released was Protestant pastor Shi Weihai, who completed his four year sentence for "illegal business operation" after it was discovered that he was printing and distributing Bibles free of charge. Jiang Yaxi remains in custody awaiting trial; she was arrested in November 2011 for the sale and distribution of a Christian documentary, "Beyond," which was confiscated from Beijing area bookstores after police seized Ms. Jiang's records.

TSPM and CCC Protestants churches have been given some latitude to operate charitable and social welfare programs, including a growing number of clinics, homes for the elderly, and orphanages. Although these organizations have an uncertain legal status and limited capacity, they are allowed in order to fill social service gaps in some localities and rural areas. The government, through its religious agency SARA, is reportedly studying ways legally to register religious charities. The charitable activities of unregistered Protestants, such as efforts to aid victims of the Sichuan earthquake, were actively discouraged by government officials.

Falun Gong

The Chinese government continued its thirteen-year campaign to eradicate Falun Gong activity and pressure practitioners to renounce their beliefs. China maintains an extrajudicial security apparatus, the 6-10 office, to stamp out Falun Gong activities and created specialized facilities known as “transformation through reeducation centers” to force practitioners to renounce their beliefs. Over the past decade, the government has carried out an unprecedented campaign against the Falun Gong, imprisoning large numbers of practitioners and torturing and abusing them in detention. Practitioners who do not renounce their beliefs are subject to torture, including credible reports of deaths in custody and the use of psychiatric experiments. In the year before the Olympic Games, police waged a concerted campaign to harass and detain known Falun Gong practitioners and brutally suppressed their activities. That campaign continued in the past year with specific emphasis on “transforming” practitioners through coercive means in special detention facilities or in re-education through labor centers (RTL).

Falun Gong adherents report, and official Chinese government statements confirm, long-term and arbitrary arrests, forced renunciations of faith, and torture in detention. Officials detain Falun Gong practitioners using Article 300 of the Criminal Procedure Code, which deals with individuals accused of crimes associated with “evil cults,” and 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. These pieces of legislation do not conform to international human rights standards which China has pledged to uphold.

It is difficult to determine how many Falun Gong practitioners are in detention because they are most often incarcerated in RTL camps and mental health institutions. However, in its 2011 *Country Report on Human Rights Practices* for China, the U.S. Department of State noted that Falun Gong adherents constituted at least half of the 250,000 officially recorded inmates in RTL camps. The UN Special Rapporteur on Torture reported that Falun Gong practitioners make up two-thirds of the alleged victims of torture in custody presented to him in China.

According to the CECC, the government has increased efforts to “transform” Falun Gong practitioners in recent years. The Falun Dafa Information Center (FDIC), using information gathered within China, estimated that 2,000 individuals were detained in the extralegal “transformation through re-education centers” over the past two years, many in Hebei and Shandong provinces, but also in Shanghai and Beijing. As of December 2011, the CECC’s prisoner database lists 486 Falun Gong practitioners as currently serving prison sentences, though the actual number may be much higher. The FDIC also provides evidence that 53 Falun Gong practitioners died in custody in 2011. These include Ms. Wang Mingrong from Chendgu,

Sichuan province, whose family was informed on September 17, 2011 that she had died 10 days after her detention, and Ms. Wang Yujie from Hubei province, whose family was informed of her death on September 3, 2011, after she had spent a year in a “transformation” center.

Numerous allegations of government-sanctioned organ harvesting and psychiatric experimentation also continue to surface. The UN Special Rapporteur on Torture has called for an independent investigation into these allegations. The Committee against Torture, a UN treaty-monitoring body, also called on the government during its 2008 review of China to conduct independent investigations to clarify discrepancies in statistics related to organ transplants and allegations of torture of Falun Gong practitioners.

Other Religious Groups

Folk religion, which the government calls “feudal superstition,” is not among the five recognized religions (Buddhism, Daoism, Protestantism, Catholicism, and Islam), but is sometimes tolerated by local officials. For example, the practices of the so-called “Mazu cult” reportedly have been reclassified as “cultural heritage” rather than religious practice, so individuals are allowed to participate openly in its rituals and ceremonies. In addition, some ethnic minority groups have been allowed to retain traditional religious practice, such as Dongba among the Naxi people in Yunnan and Buluotuo among the Zhuang people in Guangxi. However, authorities in Hunan Province have begun to implement provincial-level regulations to oversee folk religious venues. These regulations are significant because they protect religious practice outside the five recognized communities and allow venues to register directly with provincial government officials, which is not allowed to Protestants. However, the 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 has established a division to deal directly with the management of folk religions.

According to the State Department, provincial governments in Xinjing, Heilongjiang, Zhejiang, and Guangdong have tolerated the religious practice of Orthodox Christianity. In May 2010, the Ohel Rachel Synagogue in Shanghai was allowed to open and hold services on weekends for visiting tourists and the city’s expatriate community. The synagogue, which was closed in 1949 and previously used only for cultural events, was allowed to re-open during the 2010 Shanghai World Expo.

Human Rights Defenders

Over 100 lawyers and human rights defenders were forcibly disappeared, tortured, detained, or sentenced to prison terms in 2011, as authorities tried to avert any political unrest similar to the popular uprisings in the Arab world. However, the systematic targeting of human rights lawyers and activists belonging to the *wei quan* (rights defense) movement predates the previous year’s persecution. For the past five years, the government has harassed and intimidated rights defenders, shutting down law firms and revoking the legal licenses of lawyers that take on human rights and religious freedom cases.

At least four prominent human rights lawyers who defended Falun Gong practitioners and arrested Christians were detained and tortured in custody in 2011. On April 29, 2011, Li Fangping went missing in Beijing. He was released five days later and there are reports that he was tortured in custody. On February 19, 2011, Jiang Tianyong was taken from his home and detained for 60 days. He recently made statements to the press about his torture in custody. Dr. Fan Yafeng, a prominent Protestant leader, human rights lawyer, and drafter of Charter '08, was first detained in March 2010 to prevent him from meeting foreign media. He remains under house arrest and over the past year has undergone intense periods of interrogation and mistreatment, including reportedly being shown video of Gao Zhisheng's torture. Fan Yafeng represented several high-profile cases in recent years involving unregistered Protestants and was an outspoken critic of the Chinese government's detention of some religious leaders and denial of travel visas to others seeking to attend the 2010 Lausanne Conference in South Africa.

In February 2011, Beijing public security officials detained human rights lawyer Tang Jitian. The Beijing Municipal Justice Bureau had revoked Tang's law license in 2010 in connection with his representation of a Falun Gong practitioner in 2009. Along with lawyers Teng Biao and Jiang Tiangyong, Tang also was working on the cases of blind activist Chen Guangcheng and Dr. Fan Yafeng, and had called publicly for an end to their harassment and mistreatment while under house arrest. Several other Beijing-based lawyers who handled Falun Gong cases were also denied renewal of their professional licenses, including Liu Wei who was disbarred in 2010. In November 2010, Wang Yonghang from Liaoning province was given a seven-year prison sentence for defending Falun Gong.

The signers of Charter '08 have met with harassment including detention, surveillance, raids and property seizures. The most prominent signer, Nobel Prize laureate Liu Xiaobo, was arrested and tried on subversion charges and is now serving an 11-year sentence. His wife is living under house arrest, virtually incommunicado. Individuals who helped draft the Charter, which includes suggested reforms to protect the freedom of religion and belief, have been harassed, interrogated and threatened during brief detentions, and placed under house arrest. These include Yu Jie, a house church leader, author, and human rights advocate. In a January 2012 public statement, Yu described his mistreatment in detention, including being stripped naked, forced to kneel and look straight ahead for long periods of time, and slapped repeatedly in the face. He and his family are currently seeking asylum in the United States.

The whereabouts of Gao Zhisheng, one of China's best-known human rights lawyers, remain unknown. He disappeared in February 2009, though he was briefly allowed to make contact with friends, family, and some media in April 2010. Gao defended Falun Gong and unregistered Protestants and was a vocal critic of the Chinese government's human rights record and corruption. Before his 2009 disappearance, he published a report of the torture he endured during a September 2007 interrogation. It was reported in January 2012 that Gao had been sentenced to three years' imprisonment for "parole violations." He had no representation at the reported trial and has not been able to contact family or legal representation. Gao's legal partner, Yang Maodong, was released from prison after completing his seven-year sentence.

Failure to Protect North Korean Refugees

China is a party to the 1951 Convention relating to the Status of Refugees and its 1967 protocol, but no Chinese law provides for the protection of asylum seekers. The Chinese government cooperates with the UN High Commissioner for Refugees (UNHCR) on some refugee or asylum cases, and allowed UNHCR to process 100 refugee claims last year, all for non-Koreans. North Korean asylum-seekers continue to face hardship, including discrimination and trafficking, and repatriation. Beijing considers all North Koreans to be economic migrants rather than refugees fleeing persecution, limits UNHCR access to North Korean asylum-seekers, and does not allow UNHCR to operate in China's border region with North Korea. North Korean refugees under UNCHR care are subjected to harassment and restrictions by authorities.

North Koreans who are forcibly repatriated, particularly those suspected of having religious belief or affiliations, face torture, imprisonment in penal labor camps, and possible execution. Since 2008, the Chinese government has intensified its campaign against North Korean refugees, harassing religious communities that assist refugees and offering rewards to those who turn asylum seekers over to authorities. The government also reportedly arrested individuals who organized food, shelter, transportation, and other assistance to North Koreans. In August 2009, a court in Erlianhoate, Inner Mongolia sentenced Protestant house church leaders Li Ming-shun and Zhang Yong-hu to 10 and seven years imprisonment, respectively, and imposed substantial fines for their efforts to assist North Korean refugees.

U.S. Policy

In November 2011, the Obama administration outlined a new policy of "re-balancing" relations with Asia, formally shifting to a more confrontational position toward China. Administration officials have stated repeatedly that the new U.S. stance is intended to strengthen cooperative ties with China while establishing a strong and credible American presence across Asia. The United States wants to encourage constructive Chinese behavior and provide confidence to other countries in the region that they need not yield to potential Chinese regional hegemony. The Chinese official press and others characterize the new policy as the "new China containment."

During a November 2011 trip to Asia, President Obama launched the administration's efforts to create a new economic regime in Asia that will exclude China because of its trade practices and currency manipulation, and also announced the extension of a U.S. military presence in Australia and the Philippines. While the economic and security pillars of the administration's new Asia policy are the most developed, the President did state in a speech that the United States will "lead in Asia" in promoting democracy and human rights, declaring that "fascism and communism, rule by one man and rule by committee" have been tried and failed "for the same simple reason: they ignore the ultimate source of power and legitimacy -- the will of the people." These sentiments are similar to those expressed by Secretary Clinton in May 2011, when she said that China's leaders were on a "fool's errand" trying to stop the inevitable march of democracy.

In a shift from its early emphasis on seeking China's cooperation on financial, environmental, and security priorities and relegating human rights interests to private diplomacy, the Obama administration more recently has publicly highlighted human rights priorities. This has included advocating publicly for the release of Nobel Prize winner Liu Xiaobo and lawyers Gao Zhisheng and Chen Guangcheng. In a January 2011 speech, Secretary Clinton characterized China's

human rights record as “deplorable,” and said that “America will continue to speak out and press China when it censors bloggers and imprisons activists, when religious believers, particularly those in unregistered groups, are denied full freedom of worship, when lawyers and legal advocates are sent to prison simply for representing clients who challenge the government's positions.”

Nevertheless, despite an increasing emphasis on Internet freedom, the protection of human rights advocates, and freedom of religion in China, it is unclear exactly what prominence or urgency these issues will be given in bilateral relations. Human rights concerns have not been fully integrated into the architecture of U.S.-China bilateral relations. Efforts to coordinate with allies who share concerns have only begun recently, and human rights issues were sidelined during the U.S.-China Economic and Security Dialogue, the most significant bilateral cooperation mechanism. A new round of the Strategic and Economic Dialogue will be held in May 2012, but it is unclear if or how human rights and religious freedom issues will be pursued in that forum.

China and the United States engage in a regular formal Human Rights Dialogue and convened a U.S.-China Legal Experts Dialogue last year. However, changes to China's repressive religion laws were not a priority of the legal experts' dialogue. In describing the discussions at the human rights dialogue, Assistant Secretary of State for Democracy, Human Rights, and Labor Michael Posner said that he had “frank and constructive” exchanges on specific cases, the independence of the judiciary and the bar, and freedom of religion, among other things. At the dialogue, China raised issues of the treatment of Muslim Americans, immigration, and racial discrimination in the United States. One specific benchmark that emerged from the dialogue was the creation of a bilateral Religious Freedom Working Group, although in over a year there has been no progress toward a formal meeting.

This administration, like its predecessors, places much weight on conducting human rights dialogues and not enough on supporting activists and intellectuals inside China who are seeking peaceful reform, although this emphasis may change following the President's announcement of the new Asia policy. Despite recent strong public statements, and recent policy shifts prioritizing Asia, the administration continues to be perceived as weak on human rights in China.

Recommendations

Religious freedom and related human rights should be an important part of U.S.-China bilateral relations because they are directly related to expanding the rule of law, developing civil society, aiding stability in ethnic minority areas, expanding the freedom of expression, and bringing China firmly within the international system through assisted implementation of universal human rights obligations. Conducting the most substantive human rights discussions only in a bilateral dialogue allows the Chinese to downgrade these issues and characterize human rights as peripheral to U.S. interests. Bilateral dialogues should be part of a larger, consistent, and principled engagement with China on human rights, where the United States regularly presses its interests visibly and consistently outside the dialogue process and at all levels of bilateral relations.

A stable China that is committed to protecting and advancing its citizens' fundamental rights and religious freedoms is in the interests of the United States. In pursuit of these interests, USCIRF recommends that religious freedom and related human rights be woven firmly into the architecture of the U.S.-China bilateral relationship. In addition, USCIRF urges the Obama administration, as it continues to pursue various policy approaches, to raise religious freedom concerns in multilateral fora where the United States and China are members, to signal clearly and publicly that human rights are a vital U.S. interest that affect the flexibility and scope of U.S.-China relations, and to coordinate potential sources of leverage, within the U.S. government and with allies, in order to build a consistent human rights diplomacy with China.

I. Ending Religious Freedom and Related Human Rights Abuses in China

In addition to continuing to designate China as a CPC, the U.S. government should:

- demonstrate unwavering support for those peacefully seeking religious freedom and the rule of law in China by making strong, consistent, and clear public statements directly to the Chinese people in support of human rights activists;
- initiate a “whole-of-government” approach to human rights diplomacy in which the State Department and National Security Staff (NSS) develop a human rights action plan and coordinate its implementation across all U.S. government agencies and entities, including developing targeted talking points and prisoner lists, and providing staffing and support for all U.S. delegations visiting China;
- issue travel restrictions or financial penalties for Chinese authorities who engage in human rights abuses, officials from provinces with the worst religious freedom conditions, and those working for state agencies shown to perpetrate religious freedom and related rights abuses;
- reinvigorate multilateral cooperation on human rights and technical assistance programs with allies who conduct bilateral human rights dialogues with China; and
- increase the number of staff dedicated to supporting U.S. human rights diplomacy and the rule of law, including the promotion of religious freedom, at the U.S. Embassy in Beijing and U.S. consulates in China.

II. Raising Human Rights in the U.S.-China Strategic Dialogue and other Bilateral Forums

The U.S. government should:

- raise a full range of religious freedom concerns in the Strategic Dialogue and seek to reach agreements on key religious freedom and human rights concerns as part of the Dialogue's regular outcomes, as is done on other bilateral interests; and
- ensure that the U.S.-China Legal Experts Dialogue includes ongoing discussions about issues of religion and law in China, including seeking to reach agreements on technical assistance

and legal exchanges on the compatibility of Chinese laws, regulations, and decrees with international standards on freedom of religion or belief.

In addition, during bilateral discussions with China, the U.S. government should seek to raise religious freedom concerns and urge the Chinese government to:

- release all those imprisoned, detained, or disappeared on account of their religious belief, activities, or religious freedom advocacy;
- account fully for all those detained, released, tried and sentenced and/or missing following public order disturbances in Tibet or Xinjiang; 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 and Xinjiang-related recommendations of the UN High Commissioner for Human Rights, Committee against Torture, and Special Rapporteurs on Torture, Freedom of Religion or Belief, Extrajudicial and Summary Executions, and Human Rights Defenders;
- allow faith-based non-governmental organizations to register with the Ministry of Civil Affairs and operate nationally, including in the border regions with North Korea;
- cease the use of torture and ensure that alleged incidents are consistently and impartially investigated and that evidence procured through torture is excluded from legal proceedings, end the mistreatment of Falun Gong and North Korean refugees in detention, and ensure that no asylum-seeker is returned to a country where he or she faces a real possibility of torture;
- ensure that religious education for minors is not restricted and is fully guaranteed in national and provincial laws, including by directing the State Administration on Religious Affairs (SARA) to state publicly that religious education for minors is allowable in all religious venues;
- 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;
- end the harassment, arrest, detention, and mistreatment of lawyers who take on cases of Falun Gong, unregistered Protestants, Uighur Muslims, or Tibetan Buddhists, reinstate the licenses arbitrarily removed from lawyers who take sensitive human rights cases, and engage in discussions with international legal institutions on new ways to train and license legal advocates; and
- allow visits to China by the UN Special Rapporteurs on the Independence of Lawyers and Judges, on the Freedom of Religion or Belief, on the Freedom of Opinion and Expression, on Human Rights Defenders, and on the Freedom of Assembly and Association, with full access in compliance with the terms of reference required by the Special Rapporteurs.

III. Supporting Chinese Dissidents and Rights Defenders

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

- use appropriated Internet freedom funds to develop free and secure email and web access for use in China, to facilitate the dissemination of high-speed Internet access via satellite, and to distribute immediately proven and field-tested counter-censorship programs in order to prevent the arrest and harassment of activists and help them maintain their freedom of expression and legitimate expectations of privacy;
- institute new programs through the State Department's Human Rights and Democracy Fund that:
 - build the capacity, training, and networking ability of non-governmental organizations that address issues of human rights, including religious freedom and the freedoms of expression, association, and assembly; and
 - create a regular religious freedom dialogue between U.S. and international experts and members of the Chinese Academy of Social Sciences; and
- ensure that programs to assist rule of law reforms and facilitate exchanges of legal experts are designed to:
 - provide support and capacity for Chinese lawyers who defend human rights activists, Falun Gong practitioners, Tibetans, Uighurs, and unregistered Christians;
 - assist human rights lawyers to educate dissidents and religious groups on their rights under Chinese and international law and create legal materials and training seminars, accessible online, for Chinese law students, lawyers, and judges; and
 - require that all commercial law programs and legal exchanges include appropriate human rights training, discussions, and technical assistance support.

IV. Expanding 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;
- 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 international religious freedom and other human rights standards;

--creating legal clinics to assist 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;

--supporting religious groups and organizations to address chronic needs, as articulated by the Tibetan and Uighur people, in such areas as education, conflict resolution, language and culture preservation, environmental protection, drug and alcohol abuse prevention, and sustainable development; and

-- ensuring continued availability of funds to maintain appropriate Tibetan and Uighur language broadcasting through the Voice of America and Radio Free Asia; and

- offer publicly to facilitate meetings between Chinese officials and envoys of the Dalai Lama and seek to broker trust-building agreements to end religious freedom restrictions in Tibet and Tibetan areas.

V. Protecting and Aiding North Korean Refugees in China

The U.S. government should work with regional and European allies to articulate a consistent and clear message about China's obligation to protect North Korean refugees and should urge the Chinese government to:

- uphold its international obligations to protect asylum seekers by: 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; providing UNHCR unrestricted access to interview North Korean nationals in China; and 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; and
- 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.

VI. Recommendations for the U.S. Congress

The U.S. Congress should:

- require the State Department to submit a regular public report (as is required on Vietnam) to the appropriate congressional committees detailing issues of concern discussed during the U.S.-China Strategic and Economic Dialogue, Human Rights Dialogue and the U.S.-China Legal Experts Dialogue and describing progress made toward a series of benchmarks identified by Congress;
- authorize and appropriate the funds necessary to implement a comprehensive and integrated U.S. government human rights strategy toward China, including creation of an inter-agency human rights strategy and staffing, efforts to coordinate human rights diplomacy with allies, and new positions at the U.S. Embassy in Beijing to improve promotion of human rights and religious freedom;
- ensure that any funding for rule of law and legal exchange programs prioritizes human rights and religious freedom over commercial programs and provides appropriate technical support to assist human rights defenders who have been disbarred, jailed, or disappeared for taking on politically-sensitive cases; and
- ensure that the North Korea Human Rights Act of 2008 is fully implemented, including provisions to provide humanitarian support to asylum-seekers and remove legal obstacles to North Korean refugee resettlement in the United States.