

Religious Freedom, Human Rights, and Rule of Law Deteriorating Rapidly in China **Bob Fu, President China Aid**

Congressional-Executive Commission on China
Religion With “Chinese Characteristics” Persecution and Control in Xi Jinping’s China
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Honorable Chairman Congressman Smith, Co-Chairman Senator Rubio, Members of the Congressional-Executive Commission on China, and distinguished guests:

This is the third year of President Xi Jinping’s Administration in China, whose policies and actions have raised alarm, and in some cases astonished the international community. Domestically, Xi has purged his political rivals through a “selective anti-corruption campaign” and monopolized power within the leadership of the Communist party, the government and the military. In foreign policy, Xi has adopted a dangerous and aggressive agenda, challenging existing international law and creating his own when deemed necessary, including the national security law, which is being viewed by many as a pretext for human rights abuses. This antagonistic and arrogant approach to governance over the past two and half years has earned Xi the nickname “Chairman Mao Junior” and “Xi-tler.”

In the past two years, human rights and rule of law in China have rapidly deteriorated. The number of dissidents taken into police custody, arrested and convicted since Xi took power has exceeded the total number that occurred during the 10-year reign of President Hu Jintao and Premier Wen Jiabao. Chinese citizens who peacefully criticize the government or defend the rights of citizens; lawyers who dare to represent “sensitive cases” without cooperating with the government; and activists who assemble in a peaceful manner, attempt to request the government’s permission to establish a non-governmental organization (NGO), or peacefully protest against government policies or judicial injustices are subsequently “invited to drink tea,” summoned for interrogation, detained or arrested, and eventually tried in a corrupt judicial system. To be sure, the Chinese government has intensified its harassment of NGOs, civil society organizations, law firms representing human rights cases, charitable organizations, and political organizations such as the “New Citizen Movement.”

During the Xi Administration, and particularly in the past 18 months, religious freedom abuses have reached a level not seen since the Cultural Revolution. Not only have house churches continued to experience intensifying persecution, but now “Three-Self” churches, that is, government-sanctioned churches are being subjected to government-sponsored persecution campaigns. The Chinese government’s persecution of Tibetan Buddhists, Uyghur Muslims, and Falun Gong practitioners has also worsened. The Chinese government perceives religious practitioners as being guided by “foreign influence” and has subsequently pursued absolute control over religious communities.

Finally, China’s newly passed national security law will expand the management, oversight, and suppression of religious activity under the guise of national security. Specifically, Article 27 states that “The State lawfully protects citizens’ freedom of religious belief and normal religious activities, upholds the principle of religions managing themselves, preventing, stopping and lawfully punishing the exploitation of religion’s name to conduct illegal and criminal activities that endanger national security, and opposes foreign influences interference with domestic religious affairs, maintaining normal order of religious activities. The State shuts down cult organizations in accordance with law, preventing, stopping, lawfully punishing and correcting illegal and criminal cult activities.” The last clause regarding so called “cults” is especially concerning noting the Chinese government’s use of this term to persecute both Falun Gong practitioners and most recently house churches. To be sure, the new national security law is expected to embolden the Chinese government to intensify its

harassment of religious practitioners and organizations in order to control all aspects of religious life.

I will testify on religious freedom, human rights and rule of law in China and focus specifically on the forced demolitions of churches and crosses in Zhejiang province, the ongoing persecution of the house church, and the treatment of human rights defenders and the rule of law in China.

I will then offer related observations and recommendations for U.S. foreign policy on China.

I. Forced Demolitions

In the past year, the government of Zhejiang province has demolished churches and crosses under the pretext of implementing standards for buildings. Based on China Aid's research during 2014 and the first six months of 2015, the Chinese government's suppression of house churches and "Three-Self," that is, government sanctioned churches have escalated significantly compared to previous years. In 2014, the comprehensive intensity of the government's persecution of Christian churches and Christians overall in China increased dramatically. In comparing the total number of religious persecution cases, the number of religious practitioners persecuted, the number of citizens detained and sentenced, the number of severe rights abuse cases, and the number of individuals in severe abuse cases with China Aid statistics from 2013, the totals of these six categories increased by 152.74 percent. In comparison with China Aid statistics from previous annual reports, there is a trend of increased persecution over the past eight years, which averages an annual increase of 166.47 percent.

In 2014, the Communist Party Committee and the government of Zhejiang province destroyed churches and crosses under the guise of a campaign entitled "three rectifications and one demolition," which attempted to regulate so-called "illegally constructed buildings." By the end of 2014, more than 30 churches were forcibly demolished throughout the province, over 300 individuals were interrogated by police, more than 150 religious practitioners were physically injured, more than 60 individuals were administratively or criminally detained, and more than 10 pastors and church leaders were arrested. According to information collected by China Aid, by the end of June of this year, more than 1,500 churches had their crosses forcibly demolished or removed in Zhejiang province, at least 50 of which were house churches in rural areas, with more than 1,300 Christians having been interrogated, arrested, or held in custody for protesting or attempting to prevent the destruction of their churches or crosses.

Just in the past month, both Protestant and Catholic government sanctioned churches in the cities of Hangzhou and Jinhua had their crosses forcibly demolished or removed. A few members of these churches peacefully protested and in some cases hired lawyers to defend their rights. In addition, both the Chinese Catholic Patriotic Association and China Christian Council representing Zhejiang province sent letters to the provincial and central government authorities demanding they cease from forcibly demolishing their church's crosses. The government sponsored campaign to destroy the crosses of predominately government sanctioned churches reflects a new development in religious persecution in China.

II. Persecution Against the House Church

The Chinese government's persecution campaign against the house church movement continues to escalate as a continuation of the 2011 government mandate to "eradicate house churches within 10 years." During the past 18 months, the Chinese government has orchestrated a systematic campaign to persecute house churches in China. The larger urban

house churches such as the Shouwang Church in Beijing and Wanbang Church in Shanghai continue to remain prohibited by the Chinese government, while house churches such as Chengdu's Xiuyuzhifu Church, Guangzhou's Liangren Church, and Guiyang's Huoshi Church are subjected to strict control and harassment by public security and religious affairs bureaus. House churches in rural areas also continue to experience increased levels of persecution.

Unlike previous years, the Chinese government began to persecute house churches under the guise of "eradicating cults" in 2014. The Chinese government consistently cites "attacking cults" as a pretext to launch large-scale persecution campaigns against house churches. Details of religious freedom cases reveals that the CPC regularly cited Clause 300 of the Criminal Law, defined as "organizing cults and sects and using superstition to undermine law enforcement," in an attempt to harass and persecute house church pastors, elders, and church members.

The Chinese government's persecution of house churches under the pretext of "eradicating cults" and through other means is detailed in China Aid's 2014 Annual Report on Religious and Human Rights Persecution in China. Unfortunately, the persecution of the house church continues to worsen in 2015, here is a sampling of the reports we have received this year:

- January 20, 2015: Over 20 church members from Sichuan's Langzhong Church were taken into police custody, and nine were administratively detained for 10-15 days.
- March 20, 2015: 10 Christians in Jiangsu province were detained for attending a worship service.
- March 23, 2015: Yongxing Christian Church in Anhui province was forcibly demolished.
- April 14, 2015: A church in Anhui province was forcibly demolished.
- April 16, 2015: Approximately 10 Christians in two regions of Xinjiang Uygur Autonomous Region were taken into police custody.
- April 24, 2015: Two religious practitioners in Xinjiang were administratively detained for gathering in a house to worship.
- April 24, 2015: Three Christians were sentenced to two years in prison and a contractor was sentenced to one year and nine months in prison for "illegal business operations" for printing character improvement textbooks that included references to Christian values.
- April 26, 2015: Five members of the Discipleship Church in Shandong province were sentenced to three to four years in prison.
- April 30, 2015: Bethany Church Jilin province was forcibly closed.
- May 10, 2015: Over 30 Christians in Xinjiang were detained by police and their church was forcibly closed.
- May 20, 2015: Three house churches in Guangdong province were forcibly closed.
- May 26, 2015: Twelve members of Qianxi Church in Guizhou province were administratively detained, and seven were later placed under criminal detention.

- May 28, 2015: In Liaoning province, the wife of Pastor Wang Zhongliang was bound and gagged by public security officers for several hours prior to the interrogation of her husband.
- June 1, 2015: Pu'er Church in Yunnan province was raided by the government.
- June 13, 2015: Beijing's Yahebo Church was raided.
- June 16, 2015: Members of Sichuan's Langzhong Church were detained for 10 days, and members of Shuiguanzhen Church were detained for 15 days.
- June 29, 2015: 8 members of the Dagan Church in Guizhou province were criminally detained.

In reviewing religious freedom abuses perpetrated against the house church during both 2014 and 2015, the following characteristics emerged: the abuse of administrative penalties and regulations regarding the length of administrative or criminal detention of church members and leaders; persecuting churches and church members under the guise of “eradicating cults;” confiscating house church possessions, religious materials, and books; banning and harassing Sunday schools and their use of religious publications; forcibly collecting and documenting information about house churches and church members; forcing house church members to join the government sanctioned Three-Self church; detaining and sending house church leaders to labor camps on the pretext of “suspicion of organizing and using a cult to undermine law enforcement;” and restricting religious teaching to minors and college students.

III. Human Rights Defenders and the Rule of Law

Ironically, Xi Jinping shouted the slogan “govern the country according to law” when he took office, but the rule of law in China has perhaps regressed to a time of reminiscent of the Cultural Revolution. In the less than three years of Xi's presidency, human rights conditions and the rule of law in China has deteriorated significantly. The Chinese government has increased its interrogation, detention, and arrest of dissidents, human rights advocates, NGO leaders, feminist activists, human rights lawyers, and other civil society actors. The Chinese government also continues to abuse Article 73 of China's criminal procedural law, known as “residential surveillance,” which allows for the arbitrary detention of Chinese citizens, which has been used against human rights lawyers, dissidents, religious practitioners, and journalists.

The Xi Administration continues to harass, intimidate, and arrest NGO and think tank leaders, such as Dr. Xu Zhiyong of the New Citizen Movement, whose campaigns to promote equal access to education and the public disclosure of government official's financial records have been banned by the Chinese government. The leaders of the Beijing-based non-governmental think tank “Transition Institution,” namely Guo Yushan and He Zhengjun have been arrested on the charge of “illegal business operations” and are awaiting trial.

The Chinese government continues to arrest influential public intellectuals and journalists who dare to criticize the government and disseminate information on constitutionalism, including the veteran journalist Gao Yu, 71, who was unjustly sentenced to seven years in prison for the crime of “illegally providing state secrets to (institutions) outside (China's) borders.”

To be sure, human rights lawyers in China are among the bravest Chinese citizens seeking justice and promoting the rule of law in China. Unfortunately, the reward for courageously

defending Falun Gong practitioners, political dissidents, and human rights advocates is to be labeled a “trouble maker” by the government and subsequently subjected to harassment from local government public security agencies and government officials in the judicial system.

The Chinese government has intensified its persecution of human rights lawyers, including the arrest and detention of prominent lawyer Pu Zhiqiang, who has been in detention for over one year and still awaits trial. Pu represented numerous Chinese citizens whose basic rights had been violated by the government, and expressed his views on public issues via the Internet, including criticizing the government’s policies on the treatment of ethnic minorities.

Sadly, the internationally recognized human rights lawyer Gao Zhisheng is still being denied freedom of movement and access to medical treatment since being released from prison in August of 2014 after serving a 5-year prison sentence.

In March of 2014, human rights lawyers Tang Jitian, Jiang Tianyong, Wang Cheng and Zhang Junjie, and nine family members of their clients, visited the “Jiansanjiang Rule of Law Education Center” in China’s northeastern Heilongjiang province and demanded the release of illegally detained citizens. These lawyers and family members were all arrested by the local public security agent and subsequently placed under administrative detention for “utilizing cult activities to harm society.” The four detained human rights lawyers were beaten and tortured resulting in collectively having 24 of their ribs broken. The “Jiansanjiang” incident became well known throughout China among both human rights lawyers and citizens alike causing many to travel to Jiansanjiang to show their support. In the end, the local public security bureau kidnapped and beat more than 100 individuals that were peacefully protesting.

Unfortunately, there are a hundreds of these incidents in which human rights lawyers are harassed or worse, beaten. Here is a sampling of the reports we have received this year:

- In February, during a trial in the city of Liuzhou attorneys Wen Yu and Sui Muqing were expelled from the court by the presiding judge and physically injured by judicial police.
- In April, Beijing-based attorneys Wang Fu, Liu Jinping and Zhang Lei were surrounded and assaulted at the gate of Hengyang Intermediate Court by judicial police.
- In June, attorney Zhang Kai, Li Guisheng and six other human rights lawyers traveled to Guizhou province to represent a human rights case and were beaten by local police.
- On July 10th, the Chinese government began interrogating and detaining human rights lawyers and advocates, and legal professionals, which continues today. As of July 21st 242 human rights lawyers and advocates, and legal professionals have either been interrogated, detained, or have gone missing into police custody, of which 11 human rights lawyers and 3 human rights advocates have been criminally detained, and 6 remain missing.

There are many who fear that the July 10th crackdown on human rights defenders may be under the pretext of China’s new national security law, including the State department, which made the the following statement last week: “Over the last few days we have noted with growing alarm reports that Chinese public security forces have systematically detained individuals who share the common attribute of peacefully defending the rights of others, including those who lawfully challenge official policies. We are deeply concerned that the broad scope of the new National Security Law is being used as a legal facade to commit human

rights abuses. We strongly urge China to respect the rights of all of its citizens and to release all those who have recently been detained for seeking to protect the rights of Chinese citizens.”

In April of this year, the 14th Plenary of the 12th National People’s Congress Standing Committee reviewed the Foreign NGO Management Law, which many fear will further suppress civil society. The eventual enactment of this law and the national security law recently passed on July 1st indicate that the Chinese government aims to comprehensively exercise unconstrained control over its citizens, including limiting access to information, and controlling every aspect of civil and political life, which is a dangerous and alarming trend that should be viewed as both a United States foreign policy and national security priority.

In gauging U.S. foreign policy towards China, I’d like to make the following observations:

The U.S. government must carefully evaluate the effectiveness of its foreign policy with China over the past few years. The United States has numerous exchanges and partnerships with the Chinese government on economic, military, and political issues, but has yet to produce any positive outcome in advancing human rights, religious freedom or rule of law in China. In fact, over the last decade, the United States has done little more than expressed its concern over China’s deteriorating human rights record. Nobel Peace Prize laureate Liu Xiaobo still remains in prison, and prominent political prisoners of conscience Wang Bingzhang and Peng Ming who peacefully advocated for China’s democratization are still serving life sentences.

In the past decade, the Chinese government has both openly and secretly executed more than one thousand prisoners of conscience. The Chinese government’s persecution of Falun Gong practitioners, Tibetan Buddhists, Uyghur Muslims, and Christians both within house churches and government sanctioned TSPM churches has reached an unprecedented level. To be sure, religious freedom and related human rights remain an empty promise for Chinese citizens, and President Xi’s suppression of freedom of speech on university campuses, and arrest and detention of dissidents, human rights lawyers, and civil society actors appears to be becoming the norm in China. Yet, every year, Congressional leaders and human rights organizations make strong appeals to the Obama administration, hoping that the U.S. government will take stronger and more effective measures to pressure the Chinese government to adhere to basic human rights as defined by international law. To be sure, the current approach of our U.S. foreign policy with the Chinese government has not worked, and there are consequences to this failed foreign policy, namely the lives of those Chinese citizens working at their peril to advocate for the basic freedoms we too often take for granted here in the United States.

Thus U.S. government must have a new policy with China that clearly defines human rights as a priority in ongoing and future dialogues and identifies opportunities to pressure the Chinese government to respect their citizen’s access to basic human dignity, freedom, and civil and political rights. U.S. foreign policy must link the improvement of human rights and rule of law in China with ongoing and future cooperation in the economic, political, and military sectors.

Therefore, I would offer the following recommendations for U.S. foreign policy on China:

- Noting that the annual U.S.- China Human Rights Dialogue has yet to make any significant gains, many within the human rights community, including myself, believe the dialogue should be cancelled indefinitely. However, if the dialogue should continue, there should be strict preconditions, such as clearly defined and measurable outcomes and the inclusion of human rights advocates and Chinese civil society representatives.

- Human rights should play a more central role during annual U.S.- China Strategic and Economic Dialogues (S&ED) and include a review mechanism to ensure progress on human rights is made during each year's meeting. This year's discussions of human rights at the S&ED was extremely disappointing, which included no reference of specific human rights cases, such as those prisoners of conscience listed among the China 18, or others.
- The U.S. Congress must periodically evaluate the efficacy of U.S. foreign policy towards China regarding human rights and when necessary enact legislation that addresses the unique challenges of confronting China on its human rights record. The United States' foreign policy must send a strong and consistent message to the Chinese government that it must reverse its trajectory of denying basic human rights to its citizens or face specific consequences.
- The U.S. State Department should strongly consider posting an officer at the U.S. Embassy in China with the sole responsibility of monitoring and reporting on religious freedom and related human rights abuses within China, including in the areas of Tibet and Xinjiang.
- The State Department's office of the International Religious Freedom and the U.S. Commission International Religious Freedom should attempt to visit China each year to conduct field work and communicate with Chinese religious communities directly.
- The U.S. State Department should make an official public statement condemning the forced demolition of churches and crosses in Zhejiang province and throughout China.
- The U.S. State Department should raise publicly and at all levels of exchanges with the Chinese government the cases of prisoners of conscience included in the China 18 and others.
- The U.S. government must reconsider its invitation to President Xi to visit the United States in September, which should either be cancelled, postponed or preconditioned on the following: the release of prisoners of conscience listed among the China 18 and others such as Gao Yu, Pu Zhiqiang, Guo Yushan, and Ilham Tohti; 2) the release of human rights lawyer Gao Zhisheng from house arrest; 3) ending the harassment and detention of human rights lawyers, including releasing currently detained lawyers and legal professionals; and 4) ending the forcible demolition of churches and crosses in Zhejiang province and throughout China.

Addendum:

1. China Aid's 2014 Annual Report on Religious and Human Rights Persecution in China
2. China 18 Prisoners of Conscience: <http://www.china18.org>