

108TH CONGRESS
2D SESSION

H. RES. 530

Urging the appropriate representative of the United States to the 60th session of the United Nations Commission on Human Rights to introduce a resolution calling upon the Government of the People's Republic of China to end its human rights violations in China, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2004

Mr. SMITH of New Jersey (for himself, Mr. WOLF, Mr. LANTOS, Ms. ROS-LEHTINEN, Mr. ROHRABACHER, Mr. PENCE, Mr. PAYNE, Mr. BROWN of Ohio, Mr. SHERMAN, Mr. COX, Mr. PITTS, Mr. BURTON of Indiana, Mrs. JO ANN DAVIS of Virginia, Mr. GREEN of Wisconsin, Mr. BERMAN, Ms. HARRIS, Mr. KING of New York, Mr. McNULTY, Mrs. NAPOLITANO, Mr. ROTHMAN, Mr. CAPUANO, Ms. KAPTUR, Mr. HOLT, Mr. CHABOT, Mr. UDALL of New Mexico, Mr. FERGUSON, Mr. SHIMKUS, Mr. TANCREDO, Mr. KIRK, Mr. BURR, Mr. BLUMENAUER, Mr. SOUDER, Mr. FRANKS of Arizona, Mrs. KELLY, Mr. MCGOVERN, Mr. McKEON, Mr. ANDREWS, Mr. PICKERING, Ms. MCCARTHY of Missouri, Mr. SCHIFF, Mr. AKIN, and Mr. MENENDEZ) submitted the following resolution; which was referred to the Committee on International Relations

RESOLUTION

Urging the appropriate representative of the United States to the 60th session of the United Nations Commission on Human Rights to introduce a resolution calling upon the Government of the People's Republic of China to end its human rights violations in China, and for other purposes.

Whereas the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, is the most important international forum for discussing human rights and expressing international support for improved human rights performance;

Whereas according to the Department of State, the United States Commission on International Religious Freedom, and international human rights organizations, the Government of the People's Republic of China continues to commit well-documented human rights abuses against the Chinese people;

Whereas the People's Republic of China has yet to demonstrate its willingness to abide by internationally accepted norms of freedom of belief, expression, and association by repealing or amending laws and decrees that restrict those freedoms;

Whereas the Government of People's Republic of China continues to ban and criminalize groups it labels as cults or heretical organizations;

Whereas the Government of the People's Republic of China has repressed unregistered religious groups and spiritual movements and persists in persecuting persons on the basis of unauthorized religious activities using such measures as harassment, surveillance, job discrimination, exorbitant fines, prolonged detention, physical abuse, incarceration, and closure or destruction of places of worship;

Whereas international human rights organizations have documented that torture, maltreatment, the use of confessions extracted through torture, and other abuses while in detention are rampant in the Chinese legal system;

Whereas the persecution of Falun Gong practitioners has been particularly harsh;

Whereas the Government of the People's Republic of China launched a brutal campaign to eradicate Falun Gong from their country;

Whereas since this time large numbers of Falun Gong practitioners have been arrested, subjected to harsh reeducation efforts, and some have even been tortured to death;

Whereas Falun Gong practitioners continue to report harassment and acts of violence at the hands of foreign nationals which have occurred against them during peaceful protests in the United States and other countries;

Whereas the Federal Bureau of Investigation is currently investigating the possibility of links between attacks against Falun Gong practitioners in the United States and the Government of the People's Republic of China;

Whereas Catholic and Protestant believers continue to face severe repression in China which include difficulties gaining recognition from the government, holding services, and training clergy;

Whereas underground Catholics who remain faithful to the Pope and in communion with Rome face particularly harsh persecution;

Whereas many Catholic and Protestant leaders and believers have been imprisoned or subject to house arrest including Su Zhimin, a Catholic Bishop who was reportedly arrested in 1997 and who is currently reported to be in very poor health;

Whereas the Government of the People's Republic of China continues to exert tight control over the religious and cultural institutions of Tibetan Buddhists and Uighur Mus-

lms, using torture, arbitrary arrest, and detention without public trial against these individuals for peacefully expressing their religious or political views;

Whereas the whereabouts of Gendun Choekyi Nyima, the boy identified by the Dalai Lama as the 11th Panchen Lama, are still unknown;

Whereas Gendun Choekyi Nyima was 6 years old when the Chinese authorities took him and his family away in 1995;

Whereas it is believed that the Chinese authorities are holding him in a secret location;

Whereas Tibetans caught displaying photos of the 11th Panchen Lama or the Dalai Lama face harassment, fines, and detention;

Whereas in January 2003, the Government of the People's Republic of China executed a Tibetan man named Lobsang Dhondup without due process and despite repeated assurances to United States officials that his case and that of Tenzin Delek Rinpoche would be reviewed by the Chinese Supreme People's Court;

Whereas this review never happened and Tenzin Delek Rinpoche remains on death row, in the second year of his suspended death sentence;

Whereas enforcement by the Government of the People's Republic of China of its one-child per family policy has been cruel and inhumane and has included the use of forced abortion and forced sterilization;

Whereas this one-child per family policy has led to the abandonment and infanticide of baby girls and a disproportionate number of male children in China, which will have

serious and detrimental sociological impacts on China for years to come;

Whereas 14 years after the 1989 pro-democracy demonstrations in Tiananmen Square, many protesters remain in prison and no independent investigations have taken place regarding the massacre that occurred during those demonstrations;

Whereas authorities in the People's Republic of China have continued their efforts to extinguish expressions of protest or criticism and have detained and sentenced scores of citizens associated with attempts to organize peaceful protests, to expose corruption, to preserve their ethnic minority identity, and to use the Internet for the free exchange of ideas;

Whereas many prisoners in China are confined to state run psychiatric hospitals for simple acts of expressing their thoughts on political issues, like veteran human rights activist and prisoner of conscience Wang Wanxing;

Whereas many Chinese prisoners are in Laogai, forced labor camps in which inmates are subject to various forms of cruel and forced labor;

Whereas the International Committee of the Red Cross and other international human rights organizations have been denied access to the Chinese prison system;

Whereas it well documented that organs taken from executed prisoners are sold for use in transplants in China and abroad;

Whereas the percentage of transplant kidneys estimated to be derived from executed prisoners in China has been put as high as 90 percent of all transplanted kidneys in China;

Whereas organs reported to be harvested from executed prisoners in China include corneas, kidneys, and hearts;

Whereas the Government of the People's Republic of China agreed during the December 2002 session of the United States-China Bilateral Human Rights Dialogue to invite, without conditions, the United States Commission on International Religious Freedom, the United Nations Special Rapporteurs on Religious Intolerance and Torture, and the United Nations Working Group on Arbitrary Detention to visit China;

Whereas none of these visits have taken place in the last year and, in the case of the United States Commission on International Religious Freedom, two agreed upon trips were canceled because of unacceptable conditions placed on the visit by the Government of the People's Republic of China, including refusing the Commission entry into Hong Kong;

Whereas the United States decision not to introduce a resolution calling upon the People's Republic of China to end its human rights violations in China at the 59th session of United Nations Commission on Human Rights in Geneva was based, in part, on the belief that the aforementioned agreements signaled a good faith commitment on the part of Chinese officials to improve human rights practice in China;

Whereas when well-founded, balanced, and accurate resolutions regarding human rights in China were raised in previous sessions of the United Nations Commission on Human Rights, the Government of the People's Republic of China strongly pressured other countries to oppose the consideration of those resolutions;

Whereas since the last session of the United States China Bilateral Human Rights Dialogue, a number of very troubling incidents have occurred, including—

- (1) the arrests of a number of democracy advocates,
- (2) the detention and torture of 18 Tibetans who were forcibly repatriated from Nepal with the cooperation of Chinese officials, in contravention of international law,
- (3) the ongoing forced repatriation of North Korean nationals, who upon return to North Korea will face almost certain arrest, torture, or even death,
- (4) the arrest and sentencing of Internet essayists and labor protesters,
- (5) the execution of Lobsang Dondrup and continued detention of Tenzin Delek Rinpoche, and
- (6) the continued refusal to allow access by United States diplomats and family members of the accused to the trials of those detained for political or religious activities;

Whereas the People's Republic of China has signed the International Covenant on Civil and Political Rights, but has yet to take the necessary steps to make the treaty legally binding;

Whereas the Government of the People's Republic of China is a party to the 1951 United Nations Convention Relating to Refugees and its 1967 Protocol;

Whereas the Government of the People's Republic of China is a party to the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment; and

Whereas the Constitution and laws of the People's Republic of China purport to provide for fundamental human

rights, however, the protections of these rights are often ignored in practice: Now, therefore, be it

1 *Resolved*, That—

2 (1) it is the sense of Congress that—

3 (A) the United State Government should
4 continue to insist that the People’s Republic of
5 China adhere to fundamental human rights
6 principles and allow its citizens the full enjoy-
7 ment of those rights;

8 (B) at the 60th Session of the United Na-
9 tions Human Rights Commission in Geneva,
10 Switzerland, the appropriate representative of
11 the United States should introduce a resolution
12 calling upon the People’s Republic of China to
13 end its human rights violations in China and
14 meet internationally recognized standards for
15 human rights;

16 (C) the United States Government should
17 take the lead in organizing multilateral support
18 to obtain passage by the Commission of such a
19 resolution and should draft the resolution in
20 such a way as to highlight specific human
21 rights abuses;

22 (D) all countries with representatives at
23 the 60th Session of the United Nations Human
24 Rights Commission should support passage of

1 such a resolution and resist efforts by rep-
2 resentatives of the People’s Republic of China
3 to oppose the consideration or passage of such
4 a resolution; and

5 (E) United States Government officials
6 and officials from other governments should
7 continue to speak out in international forums
8 and elsewhere against Chinese repression of re-
9 ligious and political freedom, persecution of Ti-
10 betans, Falun Gong practitioners, Catholics,
11 Protestants, and Uighur Muslims, the unjust
12 arrest and detention of religious leaders and po-
13 litical dissidents, harsh conditions in Laogai
14 and other prisons, coercive family planning poli-
15 cies, and the forced return of North Korean ref-
16 ugees; and

17 (2) Congress urges the Government of the Peo-
18 ple’s Republic of China—

19 (A) to take the necessary measures to stop
20 the persecution of all religious practitioners and
21 to safeguard fundamental human rights;

22 (B) to stop the forced return of North Ko-
23 rean refugees, to allow the United Nations
24 High Commissioner for Refugees access to
25 North Koreans inside China, and to work with

1 the United Nations High Commissioner for
2 Refugees to develop a viable solution to the hu-
3 manitarian crisis involving North Korean refu-
4 gees;

5 (C) to end its coercive one-child per family
6 policy and ensure that no national, provincial,
7 or local government officials subject women to
8 forced abortions or sterilizations;

9 (D) to immediately hold an open and
10 transparent investigation into the 1989 crack-
11 down on pro-democracy demonstrators in
12 Tiananmen Square, to release all the prisoners
13 held in connection with that event, and to pay
14 compensation to the families who lost their
15 loved ones;

16 (E) to release from detention all prisoners
17 of conscience, persons held because of their reli-
18 gious activities, and persons of humanitarian
19 concern, including, but not limited to, Rebiya
20 Kadeer, Su Zhimin, Yang Jianli, Wang
21 Bingzhang, Jampel Changchub, Phuntsog
22 Nyidron, Sonam Phuntsog, Ngawang
23 Phulchung, Tenzin Delek Rinpoche, Geshe
24 Sonam Phunsok, Gong Shengliang, Xu
25 Guoxing, Huang Aiping, Li Minglong, Ji

1 Qingjun, An Shuxin, Jiang Surang, Han
2 Dingxiang, Shi Enxiang, Ma Shunbao, Zhang
3 Chunguang, Aisha Awazi, Yusaiyin Wubuli,
4 Wang Zhiwen, Yao Jie, Ji Liewu, Liang
5 Shaolin, Li Nanshan, Du Daobin, Xu Yong
6 Ling, and United States citizen Charles Lee;

7 (F) to release the 11th Panchen Lama
8 identified by Dalai Lama and allow him to un-
9 dertake his rightful role;

10 (G) to allow the Chinese people to practice
11 freely and openly their religious beliefs;

12 (H) to adhere to the provisions and guide-
13 lines of the International Covenant on Civil and
14 Political Rights, the United Nations Convention
15 Against Torture and Other Forms of Cruel, In-
16 human, or Degrading Treatment or Punish-
17 ment, and the 1951 Convention Relating to
18 Refugees and its 1967 Protocol; and

19 (I) to allow, immediately and without re-
20 strictions, visits to China by the United States
21 Commission on International Religious Free-
22 dom, the United Nations Special Rapporteurs
23 on Religious Intolerance and Torture, the
24 United Nations Working Group on Arbitrary

- 1 Detention, and the International Committee of
- 2 the Red Cross.

○