

# Human Rights Without Frontiers

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## 2006 International Conference on Chinese/Asian Democracy

organized by

The Federation for a Democratic China  
and Human Rights Without Frontiers/ China

May 14-19, 2006

Berlin

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## Freedom of Religion and Belief in China in 2006

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Since the beginning of the year, China has taken a number of defying initiatives in the religious field. Last month, two bishops were ordained by the state-controlled *Chinese Catholic Patriotic Association* without the approval of the Vatican. In early May, the Pope reacted by excommunicating those who ordained the bishops as well as the new bishops.

At the end of April, the 16-year-old Chinese-appointed Panchen Lama who is rejected by Dalai Lama loyalists made his debut on the world stage at China's first international religious forum since 1949.

In the same month, Chinese police arrested and released after five hours of interrogation five US citizens along with two Taiwanese and eighty Chinese citizens representing congregations worshiping outside the tightly controlled official state Protestant church in a raid conducted on a Christian retreat in the country's southwest.

On the other hand, China claims that it is liberalizing its religious policy and sometimes seems to suggest that there is hope for restoring diplomatic relations with the Vatican, for concluding an agreement with the Dalai Lama and for improving the situation of the Muslim Uighurs.

What is the real situation of religious freedom in 2006 ?

## 1. Regulatory framework

Despite some claims of Chinese government pointing to changes in policies with regard to expression of religious beliefs, the stance of China towards freedom of religion has remained ambivalent. This ambivalence is encoded in the country's **Constitution. Article 36** states that:

- (1) Citizens of the People's Republic of China enjoy freedom of religious belief.
- (2) No state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion.
- (3) The state protects normal religious activities. No one may make use of religion to engage in activities that disrupt the public order, impair the health of citizens or interfere with the educational system of the state.
- (4) Religious bodies and religious affairs are not subject to any foreign domination.

On one side, the constitution protects "normal" religious activities without providing a clear definition of what is to be considered normal. On the other side, it prohibits religious activities that impair public order, health, or education and proscribes "foreign domination" of religious bodies and religious affairs without clearly defining the scope of such activities. Moreover, the freedom to express one's religion through activities is not guaranteed by the constitution. This has been noted by the *U.N. Working Group on Arbitrary Detention*, which in its 2004 report reiterated its recommendation that the constitution be revised to include such a guarantee.

The international legal obligations that China has assumed towards freedom of religion are unequivocal. The **Universal Declaration of Human Rights (UDHR)**, an international instrument all U.N. member states accept, and which has attained the status of customary international law, guarantees persons the right to manifest their religion "either alone or in community with others and in public or private," the right to be free from discrimination based upon religions, and the right to be free from unnecessary and arbitrary government regulation in exercising religious beliefs.

China is signatory to the **International Covenant for Civil and Political Rights (ICCPR)**, although it has not yet ratified it. The ICCPR protects the right of the individual to "have ... a religion or belief of his choice, and [the] freedom, either individually or in community with others and in public or in private to manifest" it. The Covenant commits signatories to ensuring freedom of religion and also commits them not to practice discrimination on the basis of religion.

In practice, the government of China recognizes five religions which it monitors through "patriotic associations:" the *Chinese Buddhist Association*, the *Catholic Patriotic Association*, the *Protestant Three-Self Patriotic Movement*, the *Chinese Islamic Association* and the *Chinese Daoist Association*. All religious groups must register with the appropriate religious organization.

According to Regulation 145, "**On Management of Places for Religious Activities**" issued by the *Religious Affairs Bureau of the State Council* in January 1994 and according to the "**Regulation Procedures for Religious Activities**" issued in May 1994, applicant groups must have a professional religious leader approved by the

relevant patriotic association, a fixed meeting point and activities confined to a specific area. Any unregistered activity is illegal and may be prosecuted under the "**Regulations Governing Public Order Offenses**" which was amended in 1994 to include "Carrying out activities under the name of a social organization without registration," "organizing activities of superstitious sects and secret societies to disrupt public order," and "disturbing public order and damaging people's health through religious activities."

The registration of particular religious groups is a prerogative of the state. For each of the five officially recognized religions, there is a government-affiliated association that monitors and supervises its activities. The *State Council's State Administration for Religious Activities* (SARA) is responsible for monitoring and judging the legitimacy of religious activity. The SARA and the CCP *United Front Work Department* (UFWD) provide policy "guidance and supervision" on the implementation of government regulations regarding religious activity, including the role of foreigners in religious activity.

Therefore, despite its international commitments, China's policies and practices are in direct violation of international norms and standards. The main reason for this is the fact that the Government seeks to restrict religious practice to government-sanctioned organizations and registered places of worship and to control the growth and scope of activities of religious groups. It can be assumed that in this way the government is trying to prevent the rise of groups that could constitute sources of authority beyond its sphere of influence.

### ***The new Regulations on Religious Affairs***

In November 2004, the State Council promulgated the new "**Regulations on Religious Affairs**", which took effect on 1 March 2005. It is the latest policy decision aimed at restricting religious activities that fall beyond the scope of governmental control. Throughout 2004, officials claimed that the new regulations represent a "paradigm shift" in official thinking about religious affairs. Despite initial assurances that they would liberalize state management of religious affairs, these regulations have been designed and introduced with the purpose of strengthening certain aspects of governmental control over religious activities. The long-term effects of the new regulations are still to be monitored and analysed; the most immediate consequences of the overall governmental policies are, however, clearly in sight in the form of repressions, arrests, and the prevailing atmosphere of anxiety and unpredictability for most Chinese believers.

The inherent flaw of these regulations is the arbitrariness with which local officials can take decisions to detain and arrest religious believers, close religious sites, and impose restrictions on the movements, contacts, visits, and correspondence of religious personnel. The new regulations also do not offer clarification of "normal" religious activity and of the scope of "religious extremism" and public order disturbances. Therefore, the new regulations have not removed the ambiguities implanted in the already existing legal policy framework, which is an indispensable condition for the correct management of religious affairs. It can be therefore concluded that there is no evidence that Chinese officials have undergone the claimed "paradigm shift" in their attitudes to religious matters. On the contrary, these new

regulations provide additional evidence that the government remains unwilling to surrender its control of religious affairs.

## **2. Focus on China's religious communities**

### ***Falun Gong***

In 1999, the Chinese government declared Falun Gong was a “heretical cult” and spelled out measures to prosecute its adherents under existing criminal law provisions. Chinese officials have also condemned the Falun Gong spiritual group as an “anti-China political group”. Of the more than 2,000 Falun Gong practitioners believed to be in prison or in “re-education” through labour camps, more than 400 were detained and sentenced to prison or “re-education” in the year since the new religious regulations went into effect. (Source: *Human Rights Watch, China: A Year after New Regulations, Religious Rights Still Restricted, March 2006*)

### ***Tibetan Buddhists***

Tibetan Buddhists are deprived of their right to practice their religious beliefs in a meaningful way due to limitations to their religious activity imposed by the state in line with its constitution and regulations. The Chinese government continues its refusal to acknowledge Dalai Lama as the spiritual leader of Tibetan Buddhists and exerts pressure on Tibetan society to de-legitimise his role. Furthermore, an official Chinese publication described the Chinese-chosen Panchen Lama as “the leader of Tibetan Buddhism” and claimed that he was “the highest ranking figure in Tibetan Buddhism.” In return, the 15-year old Panchen Lama pledged to “live up to the expectations of the Chinese Communist Party and the central government.”

At the same time, the whereabouts of the Tibetan-chosen Panchen Lama remain unknown. In a resolution adopted in September 2005, the European Parliament urged the Chinese authorities to allow access for the UN Special Rapporteur on Freedom of Religion or Belief to the Panchen Lama designated by the Dalai Lama.

In fact, the new regulations may lead to more administrative intrusion in the religious affairs of Tibetan Buddhists under the pretext of the state's right to supervise the effects of religion in society. Each Tibetan monastery and nunnery has a *Democratic Management Committee* (DMC) that functions as its administrative interface with the state. Authorities expect DMCs to ensure that monks and nuns obey laws and regulations governing religion, and uphold national and ethnic unity. A group of DMC leaders from monasteries of the Tibet Autonomous Region (TAR) completed a training course on the new religious affairs regulations in May 2005.

Persecution has continued unabated since the new regulations came into effect in March 2005. In July, a monastic official from a leading Lhasa monastery was removed from his post for his clandestine support for the Dalai Lama. Expulsion of monks for the same offence from another leading Lhasa monastery prompted a silent protest by many resident monks. Other reports cite the expulsion of some 40 nuns from a convent in Lhasa on the same grounds.

## *China's Catholics and China – Holy See relations*

In 2005, China and the Vatican seemed to be on their way to rapprochement through informal dialogue and the approval by the two sides of the appointment of two new bishops, one in Shanghai and the other in Xi'an. In 2006, however, we hear of reports pointing to appointments of bishops, one in Kunming in south-western China and the other in Wuhu in the eastern province of Anhui, by China's state-backed Catholic Church without the approval of the Pope.

At the same time, so-called underground Catholic priests and bishops, loyal only to the Vatican, came under increasing pressure. Officials, particularly in Hebei province, the centre of underground Catholic activity, subjected influential priests and bishops to "re-education" sessions aimed at forcing them to join the Catholic Patriotic Association and align themselves with the official Chinese Catholic Church. Although there are few available details about the process, the targeted clergy were detained at undisclosed locations for the duration of their sessions. (Source: *Human Rights Watch, China: A Year after New Regulations, Religious Rights Still Restricted, March 2006*)

In a resolution adopted in September 2005, the European Parliament called on the Chinese government to provide information information about the situation of Catholic bishops Mgr James Su Zhimin (diocese of Baoding, Hebei), 72; Mgr Francis An Shuxin (auxiliary bishop of the diocese of Baoding, Hebei), 54; Mgr Han Dingxian (diocese of Yongnian/Handan, Hebei), 66; Mgr Cosma Shi Enxiang (diocese of Yixian, Hebei), 83; Mgr Philip Zhao Zhendong, (diocese of Xuanhua, Hebei), 84; Fr Paul Huo Junlong, administrator of the diocese of Baoding, 50; Mgr Shi Enxiang (diocese of Yixian Hebei province), 83; as well as about disappeared and arrested clergy, namely Zhang Zhenquan and Ma Wuyong (diocese of Baoding, Hebei); Fr Li Wenfeng, Fr Liu Heng, and Fr Dou Shengxia (diocese of Shijiazhuang, Hebei); Fr Chi Huitian (diocese of Baoding, Hebei); Fr Kang Fuliang, Chen Guozhen, Pang Guangzhao, Yin Ruose, and Li Shujun (diocese of Baoding, Hebei); Fr Lu Xiaozhou (diocese of Wenzhou, Zhejiang); Fr Lin Daoming (diocese of Fuzhou, Fujian); Fr Zheng Ruipin (diocese of Fuzhou, Fujian); Fr Pang Yongxing, Fr Ma Shunbao, and Fr Wang Limao (diocese of Baoding, Hebei); Fr Li Jianbo (diocese of Baoding, Hebei); and Fr Liu Deli; as well as Pastor Zhang Rongliang (53), one of the founders of the China for Christ Church, a group comprising more than 10 million Christians, who was arrested on 1 December 2004, and who is still imprisoned without any legal process. The European Parliament demanded the unconditional release of all Chinese Catholics and other Christians incarcerated on account of their religious convictions and that the authorities cease immediately all kinds of violence towards them.

## *China's Protestants*

In 2002, the government had launched a campaign focused on harassing and repressing unregistered Protestant groups and consolidating control of registered Protestants. This repression continued unabated since the new regulations came into force.

Although the new “**Regulations on Religious Affairs**” apply equally to all religions, some of its provisions address issues of primary concern to Protestants. Article 6 appears to permit Protestant house churches to register with the *Ministry of Civil Affairs* without also registering with the *State Administration for Religious Activities* (SARA). The new system has resulted in a difference of opinion among house church leaders. Some house church leaders fear that their churches will not be able to maintain independence from the *Three-Self Patriotic Movement* (TSPM), the official national Protestant organization, if they register or that the government will tighten repression against those churches that refuse to register. (Source: *US Congressional Executive Commission on China, 2005 Annual Report*).

In 2005, hundreds of unregistered Protestants associated with the house church movement have been intimidated, beaten, or detained. There were reports of mass detentions of house church leaders and members in 2005 and well into 2006. In May 2005, a few key house church leaders were detained to ensure their attendance at “study sessions” where they would be subjected to attempts to force them to affiliate with the *Three-Self Patriotic Movement*.

Many house churches have developed links with co-religionist outside of China, opposed by the Chinese government. At the same time, the Chinese government permits the leadership of the *Three-Self Patriotic Movement* (TSPM) to maintain relations abroad with interdenominational "mainline" Protestant organizations. In May 2005, a delegation of the *Three-Self Patriotic Movement* attended the World Council of Churches Conference on World Mission and Evangelism for the first time. (Source: *US Congressional Executive Commission on China, 2005 Annual Report*).

### ***China’s Muslims***

The Chinese government strictly controls the practice of Islam through policies of subordination to the state. All public mosques throughout the country must register with the state-run *China Islamic Association*. Imams must be licensed by the Chinese government and must attend patriotic education sessions regularly. In March 2001, the government established the *Islamic Affairs Steering Committee* within the *China Islamic Association*. One of the main tasks of this Committee is to censor Islamic religious texts to ensure that all published interpretations follow the government’s opinions.

The predominant Muslim group is in the Xinjiang Uighur Autonomous Region. Religion is an important element of Uyghur’s national identity and traditions. The government is concerned that it may help build momentum for autonomy demands and has conflated private Uighur Islamic practices with "religious extremism" and "ethnic splittism". On the basis of this reasoning, Uyghurs face more restrictions on their religious life than other Muslims, including non-Uighurs living in Xinjiang. According to a member of *Xinjiang's Academy of Social Sciences*, Xinjiang has more religious regulations than any other province, providing the government with a "powerful legal weapon" to control religion. (Source: *US Congressional Executive Commission on China, 2005 Annual Report*) For example, the Xinjiang government prohibits state-sanctioned religious groups below the provincial level from publishing religious materials without receiving prior approval from the *Xinjiang State*

*Administration of Religious Affairs.* In 2005, the government arrested more than 200 Muslims for possessing "illegal religious texts."

### ***Conclusions***

When the new “**Regulations on Religious Affairs**” came into force one year ago, the Chinese government asserted that these regulations constituted “a significant step forward in the protection of Chinese citizens’ religious freedoms.” The “paradigm shift” they have claimed to achieve, however, can not be substantiated one year later. Even worse, there is enough evidence that the government is trying to respond to the growth of religion in China by consolidating its policies of subordination and subservience of religious organizations to the state. Religious activities that are considered to be outside the scope of the state-controlled religious system are repressed systematically by the government.

On the other side, however, it is worth mentioning that according to some observers religious communities and believers in China are engaged in what social scientists and historians have called “everyday forms of resistance” against arbitrary state regulations and oppressive actions by state officials. (Source: Forum 18News, Magda Hornmann, *China: How Believers Resist State Religious Policy*) The forms of resistance are varied, though they might not be necessarily openly defiant. They can nevertheless contribute to the assertion of people’s rights in the long run.