



Institute on Religion and Public Policy

Religious Freedom in the People's Republic of China

Executive Summary

China began opening up to the world in the 1980s. Although this move was primarily intended to develop China's economy, it also led to some improvements for religious freedom and human rights. However, China still fails to comply with international standards. The government's actions do not reach the level of the atrocities committed during the Cultural Revolution, but they continue to systematically and egregiously restrict religious liberty. The greatest abuses fall upon minority religious groups and groups the government deems a threat to their hold on power. More specifically, the groups that have been subject to the greatest restrictions include Tibetan Buddhists, "underground" Roman Catholics, "house church" Protestants, Uigher Muslims, and assorted spiritual movements such as the Falun Gong. Some of the restrictions these groups have faced include pervasive monitoring of house churches, limits on the creation of new religious venues, prohibitive registration systems, and interference with the internal operations of religious organizations. In some instances, these restrictions have escalated to outright confiscation of property, imprisonment, forced labor, beatings, and torture.

Institute on Religion and Public Policy

The Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. Twice nominated for the Nobel Peace Prize, the Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

Historical Background

China's religious history is as rich and complex as the history of Chinese civil society. The most prominent native religious tradition in China is Taoism; Confucianism, which is usually considered a philosophical system and not a religious tradition, is also native to China. In addition to the native religious belief systems, many religious traditions that began outside the country's borders came into China and were quickly adopted by the local cultures, the most significant of which is Buddhism. Islam came into China through the trade routes along the

Silk Road. Finally, Christianity and Judaism came in through the influence of European and American explorers. Thus, China has housed a wide variety of religious beliefs for centuries.

China's religious groups faced the same upheaval the rest of the country faced with the fall of the Qing dynasty in 1911 and transition into the Republican Era. However, religious communities' suffering increased exponentially when Mao Zedong took control in 1949. Mao was a firm believer in the Communist rhetoric that "religion is the opiate of the masses," and he began a comprehensive campaign to quash all religious belief and practice in China. The Cultural Revolution was an era marked by a drought of religious belief and expression, except for the quasi-religious cult of personality surrounding Mao.

Introduction to Legal Status

Although the post-Mao era has seen significant changes and relaxed policies, religious freedom has not progressed as extensively as China's economy. China's Constitution does protect religious freedom in Article 36 which states, "citizens of the People's Republic of China enjoy freedom of religious belief. No state organ, public organization or individual may compel citizens to believe in, or not believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion." However, this portion of the Constitution does not explicitly protect the expression of religious belief. This section clearly states that Chinese citizens may maintain any religious belief of their choosing, but their expression of that belief including praying in public, wearing a headscarf, or meeting for worship services are not necessarily protected by this section. Article 36 continues and attempts to protect some religious expression, but according to the language of this section, "[t]he state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state." Thus, the Constitution does protect some religious expression, but those protections are limited to activities that are deemed "normal" by the state.

In addition, the carve-outs the Constitution creates for restricting religious activity, which prohibit activities that "disrupt public order, impair the health of citizens or interfere with the educational system of the state," do not comply with international standards for religious freedom. The International Convention on Civil and Political Rights states that religious freedom can only be limited to "protect public safety, order, health, or morals or the fundamental rights and freedoms of others." Thus, restricting religious liberty to protect the "educational system of the state" is an inappropriate exception and may indicate China's unwillingness to adhere to the obligations set forth in the ICCPR.

In addition to the Constitution, the government maintains a series of additional laws regulating religion. The National Regulations on Religious Affairs (NRRRA)

were first promulgated in March 2005 and were updated in 2007. Most notably, these regulations grant the government significant control over religious affairs by requiring religious groups to register with a government-approved religious association, of which there are seven. The NRRA also has vague national security provisions that provide the government with wide latitude for restricting freedom and implementing harsh punishments for those who violate these vague, and often unwritten, laws. Moreover, China's laws on religion all contain provisions prohibiting religious groups from being "subject to foreign domination," creating problems for the many religious groups affiliated with a foreign hierarchy, such as the Roman Catholic Church.

Even though a religious group may be appropriately registered with a government-approved religious association, they may still be subject to restriction and discrimination. For example, the Chinese Patriotic Catholic Association (CPCA) is not allowed to recognize the authority of the Holy See because of the Constitution's prohibition against "foreign domination." This presents a problem for clergy ordinations and appointments, which are supposed to be approved by the Vatican. To get around this problem, there are many unregistered Catholic congregations in China that will only recognize the Vatican's authority in appointing bishops and priests. However, the Chinese government has been slowly attempting to mend relations with the Vatican and has quietly allowed many CPCA priests and bishops to receive Vatican approval. In fact, in September 2007 a group of bishops were ordained in Beijing and Guizhou with approval from both Beijing and the Vatican. According to the Chinese, full restoration of diplomatic relations is dependant upon the Vatican ending its diplomatic ties with Taiwan.

Specific Instances of Religious Persecution

Unregistered religious groups are subject to the most egregious restrictions on religious liberty including surveillance, harassment, and imprisonment. For example, Bishop Wu Qinjing from an unregistered Catholic church in Shaanxi Province, was abducted by Chinese police in March 2007 and his whereabouts remain unknown, but there are some reports indicating he has been beaten and forced to sign a document stating he will not participate in diocese management. Bishop Wu reconciled with the Vatican and is not a member of the CPCA, and the government has been persecuting him to ensure all citizens understand that religious activity outside the government sanctioned religious associations is forbidden. Another Catholic Bishop who has been severely punished because he has reconciled with the Vatican is Bishop Jia Zhiguo who was arrested in order to prevent him from engaging in work at the behest of the Vatican. At least 30 Roman Catholic priests remain in prison as of this date.

Protestant house churches are some of the most persecuted unregistered religious groups. They are constantly subject to police raids, fines, harassment, beatings, and imprisonment. It should be noted, however, that the discriminatory

application of the laws is not consistent throughout the country. Anhui, Hebei, Henan, Shanxi, and Xinjiang provinces were home to some of the most egregious abuses. In July 2007, a secret government document was revealed detailing the government's efforts to force all religious groups to join one of the government approved religious associations or face suppression. As a result of the suppression of unregistered religious groups, 764 Protestant leaders were arrested in the past year, 35 of whom were sentenced to re-education through labor. For example, police in Kashgar arrested Alimjan Yimit in Kashgar, Xinjiang Uigher Autonomous Region, in January 2008 on charges related to "national security" and "engaging in illegal religious activities." Although the Intermediate court found there was not enough evidence to convict him, he remains in prison.

Beijing was also a site of intense religious persecution in the lead-up to the 2008 Olympic Games. Police asked house churches to refrain from meeting during the Games or to leave the city entirely. Some of the bigger congregations including the Beijing Gospel Church were subject to multiple government raids. The church's minister, Pastor Gao Zhen, was detained for hours, interrogated, and then released. Foreign Christians who were visiting Beijing during the Games were also subject to China's oppression, including 100 foreign Christians who were detained, interrogated, and expelled from the country for "illegal religious activity."

Church leaders are often charged with "illegal business activities" or "illegal religious activities" when they are arrested. Many Christian church leaders have been arrested on charges of "illegal business activities" for their involvement in distributing Bibles. After the May 2008 earthquake in Sichuan Province, many religious communities strove to provide humanitarian aid for the victims. The government, on the other hand, stepped in to detain, interrogate, and fine these groups for their aid efforts, claiming they were involved in "illegal religious activity."

The two regions with perhaps the worst religious freedom record are the Tibetan Autonomous Region (TAR) and the Xinjiang Uigher Autonomous Region (XAR). The NRRA has additional restrictions and penalties in these regions, and the government actively pursues a campaign of "patriotic education" among monks, nuns, and imams. These "patriotic education" classes are designed to create clergy who demonstrate intense loyalty to the Communist Party and the Chinese government. Furthermore, because these two regions are designated autonomous, the government is particularly sensitive to any potential nationalist movements and uses the "patriotic education" courses to ensure that clergy will not be involved in any separatist activities. These classes were one of the underlying factors that led to the protests led by Buddhist monks in 2008. In addition to forcing ideologies upon clergy in these regions, local government officials are also authorized to monitor their speeches, publications, and other activities for any signs of reduced loyalty.

The added restrictions used in the TAR give the government control over all aspects of Tibetan Buddhist belief and practice, but particularly over monk and nun training, building religious venues, and conducting large gatherings. The government issued new guidelines for the regulations in 2008 stating that the laws are necessary to “resist the Dalai Clique’s separatist activities.” Thus, the Community Party’s and government’s fears of political challengers play out in their treatment of religion. Any religion, religious figures, or religious groups deemed a potential threat to their hold on power is oppressed and persecuted. Another regulation issued in September 2007 gives the government direct control over reincarnated lamas. This is particularly problematic because it will allow the Chinese to choose the next Dalai Lama based on Chinese political and legal principles rather than Tibetan Buddhist religious principles.

Unfortunately, the status of religious freedom in TAR appears to be getting worse. Reports indicate that the Chinese government is actually trying to prevent Tibetans from leaving the country and is simultaneously seeking to forcibly repatriate any Tibetans who managed to make their way into India and Nepal. Some Tibetans seeking refuge in neighboring countries have been killed for their efforts; Chinese guards on the Nepalese borders opened fire on a group of 70 Tibetans and killed a 17-year-old nun.

The government’s treatment of religion and religious groups in XUAR is another example of the government’s suppression of religion based on their fear of losing power or control. The persecution of Muslims in XUAR has been justified by the government’s policy of “stamping out terrorism, separatism, and religious extremism.” The government also used the Olympic Games as an excuse to increase their persecution to unprecedented levels, and these increased levels have not subsided since the end of the Games.

In response to this intense persecution, many Muslims have organized peaceful demonstrations, for which they have been arrested, beaten, fined, and imprisoned. For example, Abdukadir Mahsum was sentenced to 15 years imprisonment for organizing peaceful demonstrations for religious freedom in the XUAR in February 2009. Over the past year, nearly 1,300 other Uighers who promoted religious freedom and human rights were arrested and jailed for “separatist” activities. The government enforces serious restrictions on attending religious events. Women, children, communist party members, and government employees are forbidden from attending. Moreover, adults are prohibited from teaching Islam to children under 18 years old, and they can incur criminal liability if they subvert this law. Imams are subject to the same “political education” class requirements as are Tibetan monks and nuns. In addition to the classes, imams must meet with Public Security officials so their sermons can be reviewed.

Other groups that have suffered at the hands of the Chinese government are the groups the government refers to as “evil cults” or “heretical sects.” The most well-known of these groups is the Falun Gong, which is a spiritual movement

based on traditional Chinese health, martial arts, and religious belief systems. Falun Gong members are regularly arrested and sent to re-education through labor camps or mental health facilities; they account for at least half the number of people in the re-education camps. Falun Gong organizations indicate that over 6,000 practitioners have been arrested and over 3,000 have died as a result of their imprisonment. In fact, many reports indicate that the police have quotas for the number of Falun Gong practitioners they must arrest and detain. The UN Special Rapporteur on Torture reported that Falun Gong members are the most likely to be tortured in confinements; they constitute at least two-thirds of the torture victims in China.

U.S Foreign Policy towards China

Over the past seven administrations, U.S. foreign policy towards China has focused on integrating China into a global system and requiring China to become a responsible stakeholder in the international community. As part of this policy, the U.S. has encouraged China to improve its human rights record, including its religious freedom record. However, with the recent economic downturn, economic issues have become the most important aspect of Sino-US relations. In February 2009, Secretary Clinton met with Chinese officials; their talks focused primarily on the economic crisis and strengthening bilateral relations. Following these discussions, many inferred that U.S. human rights concerns (including religious freedom) will be addressed in “back-door” or behind-the-scenes forums.

Conclusion

China maintains one of the worst records on religious freedom in the world. In addition to the complicated and vague legal structures in place that inhibit religious practice, the government actively pursues campaigns designed to persecute religious groups. Part of this persecution includes surveillance, harassment, fines, arrest, beatings, imprisonment, and torture. China’s laws do not comply with international norms and their implementation policies completely abrogate all international standards for religious freedom. Although there have been improvements since the Maoist era, China remains an egregious violator of religious freedom and corresponding human rights.