

Submission to the UN Universal Periodic Review

In 2009, China's human rights report will be examined at the UN Universal Periodic Review. Human Rights Without Frontiers Int'l is sending you its submission.

Outline of this Submission:

- A. In this submission HRWF provides information under sections B, C, and D.
 - B. Under section B, HRWF raises these concerns:
 - 1. Religious groups face difficulty in practicing because of the strict restrictions on registration.
 - 2. When people are arrested because of their religion they face a lack of due process and access to justice.
 - 3. The need for national security is being used as a pretext for religious persecution.
 - C. Under section C, HRWF expresses these concerns:
 - 1. Religious peoples' privacy is not being respected.
 - 2. Ethnic and religious minorities in China face additional restrictions on their freedom of religion and therefore their culture.
 - D. Under section D, HRWF makes recommendations in reference to the concerns raised.
-

B. Normative and institutional framework of the State

China is a signatory to, but has not ratified, the International Covenant for Civil and Political Rights (ICCPR), which protects freedom of religion and prohibits religious discrimination. Despite the Chinese Constitution's guarantees of religious freedom, only five religions are recognized by the state: Buddhism, Islam, Taoism, Catholicism, and Protestantism. "Normal" religious activities are protected but not defined, while religious activities that impair public order, health, or education, as well as "foreign domination" of religion are prohibited and not clearly defined. Furthermore, public expression of religion is not protected in the Constitution.

Religious groups are controlled through two state organizations: the *State Administration for Religious Affairs* (SARA), which operates through the State Council of the People's Republic of China, and the *United Front Work Department* (UFWD), which operates under the Central Committee of the Communist Party of China. They provide "policy guidance and supervision" for government oversight of religion. A new piece of legislation, the "Regulations on Religious Affairs," was implemented beginning 1 March 2005 and has allowed the state to tighten some aspects of its control over religion, despite official claims to the contrary. It allows for local officials to arbitrarily arrest believers, close places of worship, and place restrictions on the movement and action of clergy.

1. Religious groups face difficulty in practicing because of the strict restrictions on registration.

Each of the five state-recognized religions has a government-affiliated association to supervise it: the *Chinese Buddhist Association*, the *Catholic Patriotic Association*, the

Protestant Three-Self Patriotic Movement, the Chinese Islamic Association, and the Chinese Taoist Association. In order to register and receive government protection the group must be affiliated with one of the five recognized religions, have a professional leader recognized by one of the abovementioned associations, a fixed meeting point and activities limited to a certain area.

Unregistered churches, including those known as “house churches,” and their members are liable to discrimination, harassment, and even prosecution under the “Regulations Governing Public Order Offences” law, which includes such subsets as “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.” New religions, those seen as “cults” (such as the Falun Gong) and religions practiced by minorities often face greater restrictions and more persecution from the state. There are also restrictions placed on literature.

2. The need for national security is being used as a pretext for religious persecution. Religion provides a source of authority other than the government for its adherents and so it is viewed suspiciously and very carefully controlled. Ethnic minority groups, such as those in Tibet and Xinjiang Uyghur Autonomous Region face more discrimination here. On 12 January 2008 Alimjan Yimit, a Uyghur and Christian house church leader, was arrested and his family was told it was a “national security issue.” The next day another house church leader from Xinjiang was arrested for the same reason. On 16 May 2008 yet another house church leader in Xinjiang was detained, this time for “inciting separatism.”

C. Promotion and Protection of Freedom of Religion or Belief and Religious Non Discrimination

Even the religions allowed by the Chinese government face restrictions:

Tibetan Buddhists: The Chinese government has tried to take over the succession of the lamas, the most important figures in the religion. On 1 January 2007 the “TAR Measures for Implementation of the Regulations on Religious Affairs” was passed, placing the responsibility for picking and educating all future panchen lamas (the second-highest figure in Tibetan Buddhism) in the hands of the government. This effectively gives them control over the future leadership of the religion. The result of this was seen on 31 January 2008 when the state-appointed panchen lama, Gyaltsen Norbu, pledged his support for the Communist government of China.

Catholics: Because of a discontent between the Vatican and the Chinese government, the approximately 10 million Chinese Catholics who are loyal to the Pope must worship in unregistered churches, leaving them vulnerable to harassment by officials. Although in June 2007 the Pope called for greater unity between the Roman and Chinese state-sanctioned churches, China refuses to establish a good relation as long as the Vatican continues to recognize Taiwan as independent. It is estimated that all of the approximately 35 unregistered Chinese Catholic bishops is currently in jail, under house arrest, under strict surveillance, or in hiding.

Protestants: While approximately 10 million Protestants are believed to be affiliated with the state’s Protestant organization, around 50 million are believed to belong to underground house churches. This is technically illegal, and 1,958 clergymen and church members have been arrested since 2007. Reports have surfaced

since November 2007 that the government plans to “normalize” underground Protestant churches by giving them two options: join the state-sanctioned Protestant organization or be suppressed. This is in violation of UN guidelines on religious freedom.

Muslims: Most Chinese Muslims are Uyghurs living in the Xinjiang Uyghur Autonomous Region in Northwest China. Since September 11, 2001 and the commencement of the “War on Terror” the Muslim religion has become yet another way for the government to control the culture of the Uyghur people. Because the authorities do not always distinguish between separatism, religion, and terrorism, many Uyghur Muslims face charges of the “three evils”: terrorism, separatism, and extremism. Furthermore, religious schools have been banned, as well as private religion teaching. Thousands of mosques have been closed, imams have been banned from preaching, and controls on religious literature have been tightened.

Situation of religious freedom as of 1 July 2008:

Shi Weihan was released from prison on 4 January 2008 after being arrested on 27 November 2007 for publishing Christian literature. He was re-arrested on 19 March without the possibility of family visits and was transferred to an unknown location on 23 April. He had still not been heard from as of 19 June when his three months of legal detainment were up, nor had he been formally charged. It is now believed his re-arrest warrant was tampered with.

Christian church house leader Alimjan Yimit, a Uyghur, was arrested as a “national security issue” on 12 January. The next day another house church leader from Xinjiang, A. Li Mu Jiang, was taken away as a “national security issue.”

Popular folk singer and Falun Gong practitioner Yu Zhou was arrested on his way home from a concert on 26 January 2008. He died in custody on 6 February.

Falun Gong practitioner Wang Guiming was arrested on 13 February while selling sweet potatoes in Jilin Province and sentenced to re-education through labor. On 17 February reports surfaced that he was shocked with electric batons while in custody. He died in custody on 29 February and his family found large bruises on his face, chest, and anus.

On 3 March the body of Mutallip Hajim was returned to his family after two months in police custody. They were instructed to bury him quickly and not tell anyone.

On 10 March approximately 300 Tibetan Buddhist monks staged two protests in the Tibetan capital of Lhasa to protest Chinese rule. Radio Free Asia claimed up to 71 people were detained by Chinese officials.

The Chinese security chief called for increased “patriotic education” in Tibet’s monasteries on 25 March, indicating the government’s wish to have more control over the people of Tibet.

On 29 and 30 March two Tibetan monasteries were raided by Chinese police and numerous monks were arrested.

On 16 May church leader Lou Yuangi of Xianjiang was detained for “inciting separatism.”

Nuns from the Samtenling Tibetan Buddhist nunnery were arrested during a peaceful demonstration against Chinese rule on 8 June.

On 26 June more than 100 military personnel stormed the Tehore nunnery in Tibet and arrested staff nun Tsering Wangchuk.

1. Religious peoples' privacy is not being respected. Raids take place on churches, especially unregistered house churches. During raids leaders and believers may be detained, arrested, and their literature may be confiscated or burned. In the case of one Protestant house church in January 2008, the state even forced their landlord to break their rental agreement. Chinese police have also been raiding Tibetan Buddhist monasteries and nunneries and arresting monks and nuns in recent months.

2. Ethnic and religious minorities in China face restrictions on their freedom of religion and therefore their culture. As discussed above, the Uyghur Muslims and Tibetan Buddhists face numerous controls on their religions and freedom to worship as a way of controlling their cultures, especially in light of the protests throughout Tibet since 10 March 2008 and the upcoming Olympic Games in Beijing. However, this also applies to Han Chinese who practice non-recognized religions, such as the Falun Gong. Banned since 1999, the believers continue to be discriminated against. Twenty-nine practitioners were known to have been arrested in the first three weeks of January 2008 alone. There are also reports of torture of Falun Gong practitioners, such as that of Shen Hailong in Wafangdian Prison in 2007.

D. Identification of best practices, challenges, and constraints. Human Rights Without Frontiers Int'l makes the following recommendations to the Chinese government:

- To ratify the International Covenant on Civil and Political Rights;
- To invite UN Special Rapporteur on Freedom of Religion or Belief Asma Jahangir;
- To allow more religions to be recognized in addition to the five main ones;
- To stop criminalizing the activities of the religious groups that are not recognized by the state;
- To stop interfering in the internal life of the Catholic Church and Tibetan Buddhism, especially in the appointment of the bishops and the selection process of the Panchen Lama;
- To align Chinese laws on religion with international standards.

Willy Fautré, director w.fautre@hrwf.net

Human Rights Without Frontiers Int'l

Ave Winston Churchill 11/33

1180 Brussels (Belgium)

Website: <http://www.hrwf.net>

Tel. 32 2 3456145

Fax: 32 2 3437491