

Introduction

1. The Justice and Peace Commission of the Hong Kong Catholic Diocese is concerned about the situation of the Catholic Church in the Mainland China.
2. The Chinese authorities have imposed political and religious policies that have been against the principles and practices of the Catholic faith, and that they have gravely violated human rights. This has caused the Catholics in Mainland China to split into the so-called “Official Church” and “Underground Church” communities. This brings pain and suffering within the Church.
3. Both official and underground church communities, to a certain degree, have suffered from such violations of human rights, committed by the authorities. The faithful in China have not only their religious freedom being distorted, but also their personal liberty and freedom of association being violated. Please find below some cases to illustrate their situations:

(I) To implement Article 18 of the Universal Declaration of Human Rights (UDHR) and Article 18 of International Covenant on Civil and Political Rights (ICCPR) on respecting one’s belief and the Church’s autonomy

4. Each religious belief has its own characteristics, religious hierarchy, teachings and principles of the faith. To manifest one’s religion or belief in practicing these characteristics, is a form of religious freedom and both Article 18 of the UDHR, Article 18 of ICCPR recognize this right.
5. One characteristic of the Catholic Church is the communion and unity of the Church. The Catholic Church in China is a part of the universal Church and the appointment of Catholic bishops rests with the Pope. As the Emeritus Pope Benedict XVI who ended his office on 28 February 2013 has written in his Letter to the Catholics in Mainland China in 2007, saying: “Communion and unity – let me repeat (cf. section 5 above) – are essential and integral elements of the Catholic Church: therefore the proposal for a Church that is ‘independent’ of the Holy See, in the religious sphere, is incompatible with Catholic doctrine.”¹ “The Pope, when he issues the apostolic mandate for the ordination of a Bishop, exercises his supreme spiritual authority: this authority and this intervention remain within the strictly religious sphere. It is not, therefore, a question of a political authority, unduly asserting itself in the internal affairs of a State and offending against its sovereignty. The appointment of Bishops for a particular religious community is understood, also in international documents, as a constitutive element of the full exercise of the right to religious freedom.”²
6. Currently, one of the principles of the Chinese government’s religious policy is the principle of "independence and autonomy, self-management of the Church". The Chinese government claims it would help safeguard the autonomy of Chinese Church. Yet, in reality, it violates the faithful’s freedom of

¹ “Letter Of the Holy Father Pope Benedict XVI to the Bishops, Priests, Consecrated Persons and Lay Faithful of the Catholic Church in the People’s Republic of China”, No. 8. The full text can be found from the Vatican website: http://www.vatican.va/holy_father/benedict_xvi/letters/2007/documents/hf_ben-xvi_let_20070527_china_en.html

² Please refer to Paragraph 1 of Article 18 of ICCPR and the Human Rights Committee of the United Nations in Paragraph 4 of "General Comment No. 22" (CCPR/C/21/Rev.1/Add.4) of 30 July 1993, etc. See No.9 and the Notes No. 43 of the Papal Letter of 2007 to the Catholics in China.

conscience and the essential properties of the Catholic Church, severely violating Article 18 of the UDHR and the Article 18 of ICCPR. The Chinese government uses it as a cover-up of its violations on religious rights. Using the principle, the Chinese government actively promoted to establish the "Chinese Catholic Patriotic Association" (hereafter CCPA) and the National Assembly of Catholic Representatives (hereafter NACR), ordinating Bishops without the indispensable Papal mandate.

7. The CCPA, controlled by the Chinese government, manipulates the significant part of the church issues, such as carrying out illicit episcopal ordination or interrupting personnel appointments of the Church. The NACR is the current highest governing body of the Chinese Catholic Church, which is above the bishops' council. In fact, it is merely a political assembly, attended mainly by government officials, controlled and led by the CCPA and the Chinese authorities, while Bishops and priests cannot freely discuss Church issues. Such a mechanism is not existing in the universal Church. The Code of Canon Law of the Catholic Church states that a bishop is the highest decision-maker of the diocese, being responsible for discipline, decision-making and leadership, and the bishops conference is the highest authority in the local Church. Yet, the mechanism that is specific to China, together with the CCPA "rule" the Bishops and place themselves above the Bishops. They violate the Church's autonomy and normal operation.

8. Some Chinese faithful felt very frustrated by these two organizations. Some of them refused to attend the Eighth NACR in December 2010 and other illicit ordinations (including those took place in November 2010, June and July 2011 and July 2012) orchestrated by the Chinese authorities and the CCPA. However, the Catholics are often treated with carrots and sticks, kidnaps, are being put under house-arrest and some clergy were forced to attend by the officials. These acts have seriously violated the right to freedom of religion and conscience.

9. For example, on the eve of the Eighth NACR in December 2010, dozens of government officials and their vehicles surrounded the residence of Bishop Feng Xinmao of Hengshui (Jing County) Diocese in Hebei Province. Government officials forcibly escorted Bishop Feng to attend the assembly in Beijing. Bishop Li Liangui of Cangzhou (Xianxian) Diocese, also in Hebei Province, has disappeared shortly before the Eighth Assembly, the officials searched for him intensively, by surrounding his residence with police vehicles. Some priests were taken away for interrogations pressing to know the whereabouts of Bishop Li, who insisted not to attend the Eighth Assembly. Later, he was found and was then taken to a "study session" in a guesthouse. Some participants of NACR pointed out that the religious representatives were accompanied by officials from the united front work department and religion affairs department. Some officials also told them privately, that they should keep their mouths shut and just show up to accomplish their duties.

10. Between November 2010 and July 2012, the CCPA and the Chinese government, without the indispensable Papal mandate, have held four illicit ordinations in Chengde of Hebei Province, Leshan Diocese of Sichuan Province, Shantou Diocese of Guangdong Province and Harbin Apostolic Administration of Heilongjiang Province. In Shantou Diocese, one priest said that he was taken by nine security officers to the election venue and saw that there were more plainclothes "helpers" than the voters, with the whole election under surveillance. He said the whole process broke his heart, as it was not conducted according to the Church's principle, but under heavy-handed oppression. At the illicit episcopal ordinations, where Bishops from other dioceses were forced to attend, violating their principles of faith and conscience. Some clergy were detained during the ordinations and only released after the ceremony.

11. Religious communities have the right to govern themselves according to their own norms and religious principles. Religious communities also have the right not to be hindered, either by legal measures or by administrative action on the part of government, in the selection, training, appointment, and transfer of their own parish pastors - normal religious practices of the Catholic Church. However, in November 2012, some priests of Wuhan (Hankou) Diocese in Hubei Province held a meeting and drew up their own list of assignments and transfers between parishes. Some of the participating priests later received warnings from government officials stating the meeting itself was illegal. The priests also received warning, saying that they were not allowed to leave their parishes.³ On 13 December, 15 priests and nuns were escorted to the Provincial Bureau of Ethnic and Religious Affairs, where the officials announced a reshuffle of two leading clergy positions.⁴ The Board of Diocesan Consultants was also disbanded. A five-member management committee was set up and Father Francis Cui Qingqi, who is said to be close to the government, became the temporary convener of the committee .

12. Our Commission urges the Chinese government to: (i) eliminate the principles of “independence and autonomy, self-management of Church”; (ii) stop holding the NACR; (iii) prevent the CCPA overpowering the Bishops in leading and running the Church; (iv) halt its illicit episcopal ordinations; (v) respect the freedom of the Pope’s ordination of bishops; (vi) respect the autonomy of the Church, stop interfering its internal and personnel arrangements, including protect Wuhan (Hankou) Diocese’s freedom in exercising its rights to make personnel arrangements.

(II) To implement Article 20 of the UDHR and Article 22 of ICCPR on respecting freedom of association of the faithful and stop forcing them joining organizations authorized by the government

13. The Chinese government claims that no clergy and followers are obliged to join the Catholic Patriotic Association (hereafter CPA), and some Official Churches have been able to resist successfully the establishment of CPA, but the fact is that they will be banned for “being illegal” and “offending against the law” if they do so. Some religious groups (mostly those from the Underground Church) have even been forced to join the CPA, house-arrested and detained.

14. Currently, the Chinese government carries out dual management systems for the establishment of religious organizations, which means there is assessment and approval by the registration department (Ministry of Civil Affairs) and the affairs management department (State Administration for Religious Affairs). These departments adopt strict examinations to contain formation of religious organizations that are not considered to share common interests with the government. By regulations and legislation, the Chinese government entitles organizations like the Catholic Patriotic Association the only and the sole legal and officially approved bodies among organizations of a similar kind in the Church.⁵ Those clergy

³ On 9 December 2012, Father Francis Wu Zhengfu, who proceeded to Boquan church for his new duties, was locked in a room by officials to prevent him from meeting his new parishioners, and was warned not to conduct sacrament in the parish.

⁴ One of the priests was Father Joseph Shen Guo’an, who was temporarily in charge of Wuhan diocese, was dismissed from his post.

⁵ Article 13 of Regulations on the Management of Registration of Social Organizations states: “In an administrative region where similar social organizations have been established, there is no need to set up more.”, and therefore the registration department can offer disapproval. Similar regulation is also found in Article 7 of Regulations on the Management of Registration of Religious Social Organizations: “Within the same administrative region, no repeat is allowed for the

and followers who are unwilling to join these organizations are bound to face difficulties in setting up a new organization, which means a severe invasion into the freedom of religion and the freedom of association entitled by the international human rights covenants.

15. In China, all religious venues must be registered for religious practices. Otherwise, they can be regarded as illegal. According to Article 13 of Regulation on Religious Affairs, for setting up religious venues, religious organizations are required to make applications to the Religious Affairs Bureau.⁶ Owing to the strict restrictions of the government on setting up religious organizations, what is called “religious organizations” in Mainland China in fact refer to those “patriotic” ones. For those mainland religious groups which intend to file an independent registration with the government department, in lack of any affiliation they need “patriotic religious organizations” to be their agents. That means they have to recognize or even join these patriotic religious bodies. That also implies that a pre-requisite is needed for registering religious venues. If the faithful do not accept this arrangement, they will become “illegal”. Only Religious Affairs Bureaus in individual places accept registration without a requirement about joining patriotic religious organizations.

16. In recent years, the Chinese government might seem to relax a little on NGOs administration, but many of them still face enormous limitations.⁷ For religious organizations, they are still in tight grasp and lack of freedom of association.

17. Our Commission urges the Chinese government to: (i) respect the faithful’s freedom of association and stop forcing the faithful joining the Catholic Patriotic Association; (ii) protect the faithful’s rights to establish their own religious organizations freely; (iii) repeal regulations which restrict one’s freedom of association, namely Regulation on Religious Affairs, Regulations on the Management of Registration of Religious Social Organizations and Regulations on the Management of Registration of Social Organizations.

(III) To implement Articles 3, 9, 10 of the UDHR and Article 9 of ICCPR, stop any unlawful long-term detention and forced disappearance

18. As in late February 2013, Father Ma Wuyong and Father Liu Honggeng of Baoding Diocese in Hebei Province have been still detained unlawfully without any prosecution and trial. Father Ma was arrested on 6 August 2004. Before the lunar new year of 2006, he was temporarily released, but was arrested again one month later and has been detained until now. Father Liu was arrested on 27 December 2006 and has been detained until now.

19. It has not been the first time that the clergy are detained unlawfully over long periods, without any prosecution and trial. It is reported that clergy are forced to sign agreements that they would support the

establishment of religious organizations of the same or similar kind.” All these regulations allow the government to disapprove new religious social organizations, and enables existing patriotic religious organizations to be the only and the sole legal and officially approved bodies among organizations of a similar kind.

⁶ Article 20 of Regulation on Religious Affairs also states, non-religious organizations and venues are not allowed to organize and hold any religious activities and accept religious donations.

⁷ For example, the relaxation only implements in specific cities and only applies to specific categories, such as organizations of public interests and charity, social welfares and social services, which can now register directly without seeking approval by the affairs management department.

socialism in China, to adhere to the independent, self-supporting and self-governing approach in running the Church, to accept the leadership from the patriotic organizations, to co-celebrate with clergy from the Open Church, etc. They are told that they would only be released if they sign those agreements. These acts imposed by the government violate the right to liberty, the freedom of religion and conscience.

20. As in late February 2013, the following clergy are still forced disappearance:

(i) Bishop James Su Zhemin (alias Su Zhimin): He is from Baoding Diocese of Hebei Province. He was born in 1932 and is about 81 years old. He was arrested in Xinji city, near Shijiazhuang of Hebei Province, on 8 October 1997. He has been missed for fifteen years.

(ii) Bishop Cosmas Shi Enxiang: He is from Yixian Diocese of Hebei Province. He was born in 1921 and is 92 years old. He was arrested in Beijing on Good Friday of 2001. Bishop Shi is missing.

(iii) Father Lu Genjun: He is from Baoding Diocese of Hebei Province. He was arrested in February 2006. For years, nothing was heard of him. By February 2013, he is still under secret detention.

21. Our Commission urges the Chinese government: release all detained and missing Church people immediately.

(IV) To implement Article 3 of the UDHR and Article 9 of ICCPR, stop any unlawful house arrest and any other act restricting one's right to liberty

22. Many clergy's personal liberty is often arbitrarily deprived, under completely unlawful and groundless conditions. For example, they would be restricted from leaving the church or residence; they are abducted and confined in guesthouses, hotels or the so-called "Socialism School". Such a practice operates extensively during the sensitive occasions (e.g. during important international events or major religious congresses).

23. Our Commission is extremely concerned about situation of Bishop Thaddeus Ma Daqin, the auxiliary bishop⁸ of Shanghai Diocese. At his own ordination on 7 July 2012, Bishop Ma expressed his wish to resign from the duties of Catholic Patriotic Association and devote his effort to pastoral things and evangelization.⁹ He was taken away the same afternoon, went missing for some time and later confirmed to be restricted from movement and confined in the Sheshan Seminary in Shanghai.

24. By early March 2013, Bishop Ma has been confined in the Sheshan Seminary, deprived from personal liberty and barred from exercising his rights as a Bishop.

25. Our Commission urges the Chinese government to: (i) stop violating Bishop Thaddeus Ma Daqin's personal liberty and other basic rights; (ii) respect him as the auxiliary bishop and protect his rights in freely conducting his pastoral works; (iii) stop any unlawful house arrest, detaining people in hostels and

⁸ The Holy See appointed Bishop Ma Daqin as the auxiliary bishop of Shanghai Diocese while the Bishops' Conference of the Catholic Church in China (BCCCC), which is not recognized as an Episcopal Conference by the Holy See, approved him as coadjutor bishop. The Chinese government also recognized him as coadjutor bishop.

⁹ Bishop Ma Daqin stated: "After becoming the auxiliary bishop to support Bishop Jin in the Shanghai Diocese, my body and heart should be completely focused on pastoral things and evangelization. It is not appropriate to assume other duties anymore. So, from the moment of today's ordination, it is not appropriate for me to be a member of the Catholic Patriotic Association anymore."

any other act restricting one's right to liberty.

(V) To implement Article 5 of UDHR and Article 7 of ICCPR, stop torture and inhuman treatments against the Church members

26. The Chinese government has been treating the underground church members inhumanely. For example in Zhangjiakou Region of Hebei Province, the authority has been forcing the local clergymen to apply clergy license, register at CPCA and accept the principles of "independence and autonomy, self-management of Church". Since 2006, at least about 20 clergy were subjected to unlawful detention, physical assaults and so on.

27. Example 1: On 10 January 2011, Father Peter Zhang Guangjun of Xuanhua Diocese in Hebei Province was forcibly escorted to a hotel. He was treated inhumanely during detention, not allowed to sleep for five days and nights and forced to stand the whole time. After some rounds of negotiation, he was temporarily released on 2 February 2011. On 8 March 2011, he was called to present at the United Front Work Department, where he was forcibly transferred to a hotel and was beaten there. An official hit him with a 10 kg bucket and used a folding table to grip his neck, and hit him with the table legs mercilessly. Father Zhang was finally released on 13 April 2011. He suffers from post-concussion syndrome, often gets headache and vomits.

28. Example 2: On 9 April 2011, Father Joseph Chen Hailong of Xuanhua Diocese in Hebei Province was escorted by plain-clothes police in Yanqing County of Beijing City. During his detention, the officials disallowed him to lie down for rest and he had a sleep deprivation of four full days. He was solitarily confined in room without any windows and given not enough food. For two months, he was living in isolation and hunger and had almost a mental breakdown. He requested for medical treatment due to his ill-health but was rejected by the officials, until the very last moment. He was finally released in late July 2011.

29. Our Commission urges the Chinese government: (i) seriously investigate ill-treatment and torture against Church people, compensate and apologize to the injured Church people; (ii) stop such torture and inhuman acts against the Church people.

END