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China's Treatment of Religious Practices

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ABSTRACT

This report provides brief background on religions in the People's Republic of China and discusses official Chinese government attitudes toward religious observance. The report provides information on Chinese constitutional protections of religious freedom, the role of the Religious Affairs Bureau in monitoring religious activities, discussion of Chinese suppression of religion and "underground churches," and information about the delegation of U.S. religious leaders that visited China late in 1997.

China's Treatment of Religious Practices

Summary

Membership data on religious organizations in China supports the proposition that the practice of religion continues to increase despite official attempts to control religious observance through state run Religious Affairs Bureaus (RABs) that operate at the provincial, county, and local levels. Religious Affairs Bureaus are staffed by government cadres who have the authority to monitor and direct the activities of all officially recognized religious groups. The RAB's formal mandate is to ensure that religion serves the needs of China's socialist society and protect the Constitutional rights of religious believers. Since 1987, Beijing has promulgated regulations tightening state control over religious activities on the grounds that such activities could serve as cover for ethnic and political activists. Regulations requiring the registration of religious groups with the government, issued in 1994, coupled with a national anti-crime campaign begun in 1996, have prompted increased criticism of China's tightened control over religious practice.

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Introduction

In the past year, religion has become another component of the continuing U.S. policy debate on China. At its basic level, the debate focuses on Beijing's intolerance for any religious activity that is either uncontrolled by the state, involved in political activities, or intertwined with foreign religious groups. Many in the U.S. human rights and religious communities center their attention on Beijing's efforts to close down unregistered "underground churches" or arrest clergy members involved in a banned activity. But the debate also has raised larger controversies within the United States over religious practices in China. Some representatives of the U.S. religious community fear that focusing on proscribed religious activities in China ultimately will hurt the millions of Chinese religious adherents operating within an officially sanctioned framework. As a result, U.S. policymakers are now faced with questions about what the appropriate U.S. response should be in dealing with a government whose attitude toward religious practice differs dramatically from our own.

This report attempts to address the context and background surrounding China's policies toward religion and religious practices. It should be said as a caveat that much of the data involving China's treatment of religion comes either from official Chinese sources and news reports or from unsystematic or anecdotal reports. In addition, it should be noted that policy enshrined in China's constitution or in state regulations may not be followed in practice, or may be interpreted and enforced differently in different provinces and local jurisdictions.

Background on Religions in the People's Republic of China

Historically, the Chinese Communist Party's (CCP) treatment of religion has been uneven. Early in the 1950's, the CCP appeared to espouse a policy of religious tolerance. This attitude changed to a policy of total prohibition of religious practices during the Cultural Revolution of 1966-1976. After the death of Mao Zedong in 1976, the Party began permitting greater expression of religious belief. The new policy of greater tolerance was solidified in 1982 in Document 19, "The Basic Viewpoint and Policy on the Religious Question During Our Country's Socialist Period." This document set forth guidelines for the opening of religious buildings and the training of patriotic clergy. From a policy perspective, Document 19 placed religion in a governmental framework. Critical observers claim that this served two purposes: to ease government control of religious activity and to improve China's international image. Other observers contend that the new policy served to

¹ Religious services were banned, clerics were imprisoned, houses of worship and religious objects were destroyed, and lands owned by religious groups were appropriated by the government.

legitimatize religious activity, and was a welcome change from past intolerance. The policy set forth in Document 19 was written into Article 36 of the Constitution in 1982, the language of which places few restrictions on religious freedom.² Subsequent updates to Document 19 have established a trend of state control of religious activities that religious groups and human rights organizations see as increasingly repressive, infringing on their rights of assembly and association.³

Chinese Constitutional Protection of Religious Freedom

China's Constitution recognizes five religions: Buddhism, Catholicism, Daoism, Islam, and Protestantism. Article 36 of the Constitution 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 to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion. The 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. Religious bodies and religious affairs are not subject to any foreign domination.⁴

Article 36 is codified in Article 251 of the Criminal Law, which makes it a crime for government officials to illegally deprive citizens of their right to religious belief. The term "normal religious activities," however, is not defined in the Constitution, and is therefore left open to interpretation at the various levels of government enforcement.

Since 1994, Beijing has tightened restrictions on religious practices, prompting increasing international concern over official efforts to control and contain religious freedom. On January 21, 1994, Premier Li Peng signed Decree No. 144 of the State Council, "Regulations Governing the Religious Activities of Foreign Nationals Within China." It prohibits all evangelistic activities and permits foreign nationals to participate in religious activities in officially recognized venues only. Foreign nationals are permitted to bring religious materials into China, but only for personal use. A second edict, Decree No. 145 — "Regulations Governing Venues for Religious Activities" — describes the rationale for registration, bans "underground" or unregistered groups, and forbids religious groups from receiving funds from abroad. According to this decree, all religious activities must be held within an officially recognized venue. On May 1, 1994, the RAB issued a guidance document, "Registration Procedures for Venues for Religious Activities."

² Freedom of religious belief has been included in all CCP Constitutions. Over time, however, the definition and state policy in enforcing the definition have changed.

³ For example, Document 6, "On Some Problems Concerning Further Improving Work on Religion," issued by the Central Committee in February 1991.

⁴ Legislative Affairs Commission of the Standing Committee of the National People's Congress, <u>The Laws of the People's Republic of China: 1979-1982</u>, Foreign Language Press: Beijing, 1987, p. 12.

⁵ Liu, Drew. "State Policy and Christianity in China," June 11, 1997, from National Endowment for Democracy's Internet site - www.ned.org

Religious Affairs Bureau

The organ for controlling and policing religious activities in China is the Religious Affairs Bureau, which is part of the State Council and reports to the Communist Party's United Front Work Department. Its mandate includes implementing state policy on religion, coordinating the relationships of religious groups and other segments of society, supervising, and protecting the rights of religious groups. The RAB is staffed by Communist Party cadres. Religious practitioners in China allege that some cadres display contempt for religious believers and work to thwart the practice of religion rather than promote or protect it. Others, however, state that some RAB cadres have joined religious organizations, either secretly or openly. The 1994 regulations requiring all congregations to register with the RAB 6 give the bureau the authority to approve or deny registrations, and approve loans for and control the pace of construction of new religious structures. According to some information published by Protestant, Catholic, and Muslim sources, the RAB in the past refused to authorize construction of new houses of worship and demolished newly constructed buildings in an attempt to limit the spread of religion⁷. A more recent report suggests that some church construction is being allowed.8

Under the direction of the RAB, eight authorized national organizations exist: China Buddhist Association, China Christian Council, China Daoist Association, China Islamic Association, Chinese Catholic Bishops College, Chinese Patriotic Catholic Association; National Administration Commission of the Chinese Catholic Church, and the Three-Self Patriotic Movement Committee of the Protestant Churches of China.⁹

In recent years, international attention has focused particularly on the existence and treatment of so-called "underground" congregations and "house churches" — groups that refuse to register with the RAB for various reasons. ¹⁰ Beijing considers these groups to be illegal and has stepped up efforts to close all non-registered religious groups. A recently released U.S. State Department report focusing on worldwide religious persecution of Christians noted that in 1996-1997, Chinese

⁶ Registration requires religious organizations to reveal the names and addresses of members, contacts in China and abroad, and details about leadership activities and finances.

⁷ See, for example, Human Rights Watch/Asia, "China: The Cost of Putting Business First," July 10, 1996, pp. 18-20.

⁸ See *China Study Journal*, Vo. 12, No. 1, April, 1997.

⁹ All denominations of Protestants are unified under one Church as a matter of government policy. Recently, divisions within the Church have led to the breaking away of denominations against the wishes of the RAB.

¹⁰ Protestant religious groups report refusal to register because of: government intervention in church affairs, restrictions on where clergy can preach, prohibitions on preaching the entire bible (*e.g.*, the second coming of Christ), and limitation of congregations to people over age 18.

authorities instituted a nationwide campaign to crack down on the activities of unregistered churches, raiding and closing several hundred house church groups.¹¹

As of 1997, the Chinese government disclosed that there are 4 million Catholics, nearly 10 million Protestants, and approximately 18 million Muslims in China. Daoists and Buddhists compose the remainder of the 100 million religious followers. The actual number of believers, places of worship, and numbers of religious professionals is thought to be far greater than official estimates. Some nongovernmental groups estimate that there are approximately 10 million Catholics, about 50 million Protestants and between 17 - 25 million Muslims in China today. 12

Increased Suppression of Religion and the "Strike Hard" Campaign

Since the promulgation of the 1994 regulations, non-governmental groups have reported an increasing effort by the Chinese government to control religious groups. Experts are divided about the reasons for the increased suppression. Some view the regulations as the Party's attempt to contain new social forces associated with economic reform. Party leaders know the role that religion played in political changes in Eastern Europe, and they may have drawn a connection between the growth of religious groups in China and a decline in Party membership that was apparent in the early 1990s. Likewise, some suggest the Party is deeply concerned by possible ties among political dissidents, religious groups, and international organizations.¹³ Others link the suppression to lessened international criticism of China's human rights policies. A report by Human Rights Watch/Asia¹⁴ on the situation in Tibet, for instance, claims that Chinese repression against Tibetans increased since May, 1994, when the Clinton Administration de-linked human rights issues from the annual process of renewing China's MFN trade status. 15 Reported repression has included renewed efforts to prohibit the possession of pictures of the Dalai Lama, efforts to bar the construction of new monasteries and severely limit the number of monks and nuns, and increases in the incidences and severity of torture of Tibetans.

Many observers suggest that China's new restrictions on religion can be more directly attributed to Beijing's deep and growing concern about the connection between religious practices and ethnic separatists, who are viewed as threats to

¹¹ U.S. State Department report on "United States Policies in Support of Religious Freedom: Focus on Christians," released July 22, 1997.

¹² See reports by such groups as Amnesty International, the Holy Spirit Study Center, Human Rights Watch, The Campaign for Tibet, and *The Far Eastern Economic Review*, June 6, 1996, pp. 46 - 53. The Holy Spirit Study Center in Hong Kong estimates that the number of Catholics in China has increased from 3 million in 1980 to 10 million in 1995.

¹³ Liu, Drew. "State Policy and Christianity in China", June 11, 1997, from National Endowment for Democracy's Internet site - www.ned.org.

¹⁴ Human Rights Watch/Asia, "Cutting Off the Serpent's Head: Tightening Control in Tibet, 1994-1995," March 1996, pp.13-19.

¹⁵ See CRS Report 96-139 F, Tibet and China: Recent Developments and Implications for U.S. Policy, Feb. 14, 1996.

national security and to the Party's hold on power. Chinese concern about ethnic separatism is evident in Tibet, but is particularly acute with respect to the Muslim areas of Northwest China. ¹⁶ Evidence suggests that Muslim separatists in these areas over the past two years have become more active, organized, and violent, and that Chinese authorities have been zealous in their response. Since spring 1996 in particular, Chinese officials and press reports have referred increasingly not only to specific incidents involving Muslim separatists and rebel groups, but also to the "dangers" inherent in religious activity generally. In one example in 1996, a Chinese delegate to the UN Commission on Human Rights said "No one, no association, and no religion can be allowed to violate national law, infringe upon the interests of the people, foment splits among its nationalities, and sabotage national unity." As has been the case with monasteries in Tibet, Chinese authorities have reportedly come to regard mosques and Koranic schools in northwest China as centers for political dissent. According to press reports, Muslim activism in China appears more aggressive than Tibetan calls for greater autonomy or independence.¹⁸ Intensified repression of demonstrations in Xinjiang and closing of mosques have been reported since 1995. Amnesty International reports that an article appeared in the *Xinjiang* Daily on May 7, 1996, "accusing 'some people' of inciting religious fanaticism 'under the cloak of religion' and of using religion to 'interfere with... administrative, judicial, education, marriage, and family planning affairs." In January 1996, at a Beijing national conference on religious work, a Chinese state councillor, Ismail Amat, delivered a hardline speech calling for new restrictions on religion and religious groups. In his speech, he announced a plan to build a framework of legal supervision over religion in China over the next 15 years, and called for increased research into the beliefs of people using religion to "subvert the state."

On April 12, 1996, China launched a "Strike Hard Against Crime" campaign. Although the primary focus of the campaign has been to combat China's increasing rates of violent and gang-related crime, many believe that it is also being used as a cover for cracking down on ethnic separatism and religious activities, especially in outlying areas. Human Rights Watch/Asia, in its July 10, 1997 report entitled "China: the Cost of Putting Business First," specifically noted a link between the anticrime campaign and arrests of ethnic activists. Human rights organizations have reported higher rates of torture and execution in predominantly Muslim areas and in Tibet than over the rest of the country.

Despite the emphasis on Tibetans and Muslims in the northwest, there is evidence that other religious groups are also being targeted in China's more restrictive environment. Human rights organizations have reported an increase in the

¹⁶ China recognizes ten Muslim nationalities: the Hui, Uigur, Kazak, Dongxiang, Kirghiz, Salar, Tadjik, Uzbek, Baoan, and Tatar. Large numbers of Muslims live in Xinjiang, Ningxia, and Yunnan provinces, with smaller concentrations living in surrounding provinces.

¹⁷ From Xinhua, March 29, 1996, BBC Summary of World Broadcasts, April 1, 1996.

¹⁸ Bombings and armed clashes with the police in Xinjiang and in Beijing have been officially attributed to separatist elements by the Chinese government since early 1996.

¹⁹ Amnesty International Country Report on China: 1997, See section 2.

harassment, fining, and prison sentences of Protestants and Catholics.²⁰ Under the "Strike Hard" campaign, the RAB initiated a program to register or close down all unregistered religious groups by the end of 1996. In July 1996, the RAB issued a new regulation calling for the yearly inspection of all places of religious activity.²¹ Any venue deemed to fail the inspection would be permitted a brief period to rectify the situation. If the effort was deemed to be inadequate, measures could be taken against the group, including the revocation of its registration.

Some unregistered Chinese Catholics cite a ban on Papal appointment of the Church's bishops as a reason for not registering. Beijing reserves the right to appoint church bishops, refuting the authority of the Pope to do so. Despite this tension between the RAB and the Holy See, belief in the Pope is accepted and visible in China's Catholic churches.

According to human rights organizations, forms of police interference in religious activities generally include harassment, fines, confiscation of unapproved religious materials, confiscation of property, frequent detention and interrogation, arrest, beatings and torture, ²² sentencing to re-education camps, and execution. The Chinese government has stated repeatedly that it does not imprison people solely for the practice of religion. Those who are imprisoned are charged with committing crimes or using religion to overthrow the state. Chinese legal procedures allow for prolonged detentions without charges being filed. In some cases, political and religious figures have been held incommunicado for periods of a year or more. ²³ Reeducation through labor sentences are considered an administrative punishment that can be imposed without charge or trial. Trials are reported to fall short of international standards for fairness, despite revisions of the Criminal Procedure Law that were enacted in March 1996 to improve due process.

U.S. Religious Leaders Delegation to China

On February 8, 1998, three U.S. religious leaders began a three-week visit to China to study for themselves the religious situation there. Don Argue, President of the National Association of Evangelicals; Theodore E. McCarrick, Archbishop of the Roman Catholic Diocese of Newark, New Jersey; and Rabbi Arthur Schneier, President of the Appeal of Conscience Foundation, were invited to visit by the

²⁰ See, for example, Human Rights Watch, World Report 1997, section on China.

²¹ The inspection criteria are: obedience to national law; nature of foreign ties; soundness of financial system; avoidance of any illegal religious activity; registration of changes in registration; operating in accordance with democratic procedures; and accepting annual inspection within the specified time limit. From "Religious Inspection Regulations," *Tripod*, January-February 1997, No. 90, p. 57.

²² Human rights reports noted that beatings, electric shock, confinement in coffin-like boxes, shackles, sleep deprivation and exposure to extreme heat and cold are common methods of torture used on detainees and prisoners. See, for example, Amnesty International's 1996 report.

²³ Chadrel Rimpoche, a Buddhist abbot, was detained in May 1995, reportedly for communicating with the Dalai Lama. His detention was not made public until May 24, 1996. He was sentenced to six years in prison on April 21, 1997.

Chinese government as a result of discussions between Presidents Clinton and Jiang at the October 1997 summit. The clerics released their report on March 19, 1998. Among other things, they concluded that the number of religious adherents appears to be growing rapidly in China and that China has made some progress over the past 20 years in its policies toward religion. They also found that many in China still regard religion as "potentially threatening" to Chinese social stability, and that the Chinese government maintains intrusive controls over most if not all religious activity. Among the group's recommendations were that China and the United States should continue and expand upon a dialogue, from mid-level to the most senior level leaders, with respect to religious freedom in China; that efforts should be made to attract and provide more training to greater numbers of clergy in China; and that special attention should be paid to the problems of religious freedom in Tibet, and to promoting dialogue between China and the Dalai Lama.

Implications for the United States

Beijing's more restrictive regulation of religious practices continue to generate controversy and debate in the international community. Some groups, such as the Hong Kong-based Holy Spirit Study Center, may keep focusing on growth of religious practices, particularly in Catholicism and Protestantism, as a positive trend in an environment that permits greater religious expression than was tolerated during the Cultural Revolution. Such groups believe that improving social conditions and the bankruptcy of communist ideology will continue to promote religious growth. On the other hand, many international Christian groups increasingly criticize the limits placed on the practice of religion by a government that professes to promote freedom of religious expression. They see this as the beginning of a trend backward, leading to further control of religion or repression of religious followers in the future.

The issue of religious tolerance also will continue to put China at odds with significant segments of the American policy community. Social stability is seen as fragile, and is paramount to Chinese leaders. Beijing is also undoubtably mindful of Chinese history, in which the Taiping, Muslim, and other religious upheavals proved ruinous to Chinese governance. Americans are unlikely to be receptive to China's claims that strong governmental control and suppression of religious practices are two essential components of national stability. Many religious groups in the United States have established ties to religious groups in China, providing much needed religious materials and training, and it is feared that these ties will be jeopardized in the new repressive environment. The issue of religious freedom in China has drawn special attention from the 105th Congress, which is considering legislation to require U.S. monitoring of religious persecution around the world as well as legislation targeting China specifically for religious persecution and other human rights violations.

Congressional Initiatives and Actions

In 1997, Members of Congress have become increasingly active over questions of religious persecution. Several Senators joined to form the Senate Religious Persecution Task Force to focus on the persecution of Christians in the unregistered

"house church" movement²⁴ in China. Additionally, Members of both the House and Senate have introduced legislation directed at religious persecution and human rights issues in China in the 105th Congress. Legislation under consideration as of this writing is listed below. Although the House passed a number of China-related bills prior to recessing in mid-November, 1997, the Senate did not act on these or on related Senate legislation prior to the recess. The possibility of Senate action in 1998 still exists.

H.Con. Res. 44 (Sanders) A continuing resolution to express the opposition of Congress to the imprisonment of Tibetan ethnomusicologist Ngawang Choephel by the Chinese government. The bill is pending before the House International Relations Committee's Subcommittee on International Operations and Human Rights.

H.Res. 76 (Porter) A resolution urging Congress to explore legislative vehicles for expressing Congressional concerns about China's human rights situation in an effort to separate the debate on human rights issues from the process of renewing MFN annually. The bill is pending before the House International Relations Committee's Subcommittee on International Operations and Human Rights.

H.R. 967 (Gilman) As originally introduced, H.R. 967, the Free the Clergy Act, would have required the United States to deny visas to members of eight official religious organizations in China and to Chinese officials involved in promoting or enforcing policies hindering religious practices. It also would have prohibited any U.S. funds from being used to pay for travel expenses for these officials to attend international conferences or exchange programs. Amendment in markup removed the visa prohibition, leaving only the funding prohibition in place. The bill is similar to Section 101(3) and (4) of S. 1164, the China Policy Act of 1997, introduced on Sept. 11, 1997, by Sen. Abraham (see below). The House International Relations Committee reported the bill to the House on October 6, 1997 (H.Rept. 105-309, Pt. 1). With the Judiciary Committee having waived jurisdiction, the bill was taken up by the House on November 6, 1997, as part of a package of nine China-related bills under the rule, H.Res. 302. The House passed the bill on November 6, 1997 by a vote of 366-54. The bill was referred to the Senate Foreign Relations Committee on November 7, 1997.

H.R. 2431/S. 772/S. 1868 (Wolf/Specter/Nickles) The Freedom From Religious Persecution Act of 1998 was originally introduced as H.R. 1685 on May 20, 1997. At that point, Representative Wolf's bill would have established the U.S. Office of Religious Persecution Monitoring and would have imposed sanctions against countries engaged in religious persecution. The bill was reintroduced on Sept. 8, 1997, with minor changes — notably, the deletion of a provision linking a country's religious tolerance with U.S. support for its WTO membership. A companion bill, S. 772, was introduced on May 21, 1997 by Senator Specter; no further action has occurred on it. On March 24, the House Judiciary Committee's

²⁴ The task force members are: Senator James Inhofe (R-OK), Senator John Ashcroft (R-MO), Senator Sam Brownback (R-KS), Senator Daniel Coats (R-IN), Senator Alfonse D'Amato (R-NY), Senator Jesse Helms (R-NC), and Senator Arlen Specter (R-PA).

Subcommittee on Immigration held hearings about the immigration portions of the bill.

On March 25, the House International Relations committee held a markup, adopting an amendment (Gilman) in the nature of a substitute which struck all after the enacting clause and substituted a new set of provisions. The Committee reported the bill to the House (H.Rept. 105-480) on April 1, 1998. As amended by the House International Relations Committee, H.R. 2431 adds language about the Xinjiang Autonomous Region in China, formerly East Turkistan, which is the home of large numbers of Muslim Uighurs; defines and provides separate remedies for "Category 1" persecution (sanctioned or conducted by the government), and "Category 2" persecution (not officially sanctioned); and softens the presidential waiver authority restrictions. On April 30, 1998, the Subcommittee on Immigration and Claims (House Judiciary Committee) marked up the bill and stripped out immigration-related provisions that would make it easier for those claiming religious persecution to receive refugee status in the United States. On May 6, 1998, the House Judiciary Committee approved an amended version of H.R. 2431 which would permit those claiming religious persecution to be considered for admission to the United States in refugee status. The amended version of H.R. 2431 is expected to be considered shortly by the full House. (See CRS Report 97-978A, Immigration-Related Provisions of Selected Bills on Religious Persecution.) On March 26, 1998, Senator Nickles introduced S. 1868, the "International Religious Freedom Act."

S. 1164 (Abraham) The China Policy Act of 1997, introduced on September 11, 1997, sets forth a fairly comprehensive U.S. China policy approach and includes provisions similar to other pending China bills. Among its provisions, the legislation includes a title delineating new sanctions on China — including denial of visas, instruction that U.S. representatives to the MDBs vote against assistance to China, sanctions on PLA enterprises, limited funding for Radio Free Asia, annual reports on PRC intelligence activities in the United States, and an assessment of a theater ballistic missile defense system for Taiwan. The Senate Foreign Relations Committee held hearings on the bill on September 17, 1997.(Hutchinson, Abraham)

H.R. 2358 (Ros-Lehtinen) The bill authorizes \$2.2 million in each of FY1998 and FY1999 to provide the U.S. Embassy and consulates in China with increased personnel to monitor prison abuses and political repression. The bill was reported by the full House International Relations Committee on September 29, 1997 (H.Rept. 105-305), and was considered by the full House on November 5, 1997. Under the rule (H.Res. 302), adoption of the rule meant adoption of a package of House International Relations Committee amendments to H.R. 2358. Among other things, these amendments condemned China's alleged sale for transplant of human organs harvested from executed prisoners (Rep. Linda Smith); authorized \$5 million for the National Endowment for Democracy in each of fiscal years FY1998 and FY1999 to promote rule of law and civil society in China (Reps. Porter/Dreier/Matsui); and drew attention to the plight of Tibetan prisoners (Rep. Abercrombie).

The House also passed (394-29) the Gilman/Markey amendment, which amended the original 1985 U.S.-China nuclear cooperation agreement in two ways: by extending from 30 days to 120 days the time Congress has to consider a proposed nuclear cooperation agreement; and by establishing expedited procedures for

congressional consideration of a resolution of disapproval for a proposed nuclear sale. The House passed the final amended bill on November 5 by a vote of 416-5. The bill was referred to the Senate Foreign Relations Committee on November 7, 1997