

# Hearings on Religious Persecution in China: Mickey Spiegel Oral Testimony

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(Note: These are unedited and uncorrected transcripts)

Mickey Spiegel

MS. SPIEGEL: Human Rights Watch appreciates the opportunity to testify before this distinguished Commission on the state of religious freedom in China. Beginning in 1991, Human Rights Watch issued a series of reports on freedom of religion in China and Tibet, some ten reports altogether. We've released many delegations to China on the issue of religious freedom, including the official delegation of the U.S. religious freedom, who traveled there in February of 1998.

In my testimony today, I will describe the policy statements, the laws and regulations, and bureaucratic structures that restrict the right of Chinese citizens to freedom of thought, conscience, and religion; and freedom either alone or in community with others, and in public or private to manifest religion or believe in teaching, practice, worship, and observance as enshrined in Article 18 of the Universal Declaration of Human Rights.

I will describe the differences in application of China religious policy over time from locale to locale and with respect to different faiths and belief structures. Finally I will present our recommendations for steps the Commission could take in an intent to foster religious freedom in China.

At first glance, the promise of freedom of religious belief, as Rabbi Saperstein has said, and protection of normal religious activity in Article 36 of the Constitution of the PRC seems consistent with international standards. In practice, however, Chinese authorities have tolerated religion only to the extent they have been able to harness it to the ruling Communist Party goals, which includes economic development and

modernization.

The Chinese leadership has never made any secret of the fact that China is an atheist state, and the expectation remains that at some future date, religion will wither and die. In the meantime, religious activity has continued to be strictly controlled along lines dictated by political calculation. Chinese policies reflect the premise that religion cannot be allowed to grow unchecked; it must be free of foreign influences or alleged hostile domestic forces that could destabilize China; it must adapt itself to socialism; its leaders' first allegiance must be to -- sorry, I just lost the lens of my glasses -- allegiance to the state; future religious leaders must be carefully vetted before they are permitted to become serious students.

One

reason for the ever-stricter control of the growth in the number of believers and in the number of sites for religious activity in the PRC is the perceived potential for destabilization. At the same National Religious Affairs Bureau Conference in early January 2000, at which the official policy on management of religion was reiterated by Premier Zhu Rongji and the State Councilor Amat, a new policy document was issued calling for tighter oversight of all religions. In the face of the growing interest in religion in urban areas and among the young, domains previously without a strong religious tradition, the impetus to further channel and control all religious expression continues to grow concomitantly.

A set of policies and a series of laws and regulations interfere with freedom of belief. Dual government and Chinese Communist Party bureaucracies and an intricate and interlocking set of national, provincial, and county regulations serve to narrow the meaning of "normal" as it applies to religious activities.

Freedom

of belief is compromised first by the PRC policy of recognizing only five religions, Buddhism, Daoism, Catholicism, Christianity -- or Protestantism -- and Islam, and labeling other beliefs as "feudal" or "superstitious" or both. Popular religions which claim the loyalties of an overwhelming majority of the Chinese population and blends Daoism, Buddhist, and polytheistic elements is totally ignored. Insistence that all Chinese Protestants be represented of the one "post-denominational" church ignores key differences among various Protestant groups on matters of ritual, ideology, and doctrine. This policy is also a clear violation of government interference with freedom of belief.

Article

300 of the criminal law as amended in 1997 further erodes the international standard. By stipulating punishment for organizers and for those who make use of so-called superstitious sects or cults and so-called evil religious organizations, the law arrogates to the

central government and to the CCP, the Chinese Communist Party, the right to decide on whatever grounds they choose to legitimize or delegitimize a particular belief system. A series of interpretations in October of 1999 went either for pressing for harsh punishments for those the government chose to label "heterodox." There have been reports, as Mr. Wu just suggested, that this policy is being implemented to crack down on some non-mainstream Protestant congregations.

The constitutional promise to protect normal religious activities is so hemmed by regulations as to make the promise almost meaningless. In 1991, Document Number 6, which is a circular from party counsel concerning certain problems in further improving religious work by endorsing registration as a means of control, eroded the right to manifest belief in the company of like-minded others without explicit government approval. In 1994 several sets of state counsel regulations were issued, including "Regulations Regarding the Management of Places of Religious Activities" and "Registration Procedures for Venues for Religious Activities." These regulations institutionalize registration and criminalize congregations, churches, temples, or mosques which refused to register or were refused registration. Should such religious gatherings persist, they could be closed or heavily fined and their members subject to punishment by political security order.

Registered congregations, on the other hand, must tolerate the state's secular oversight. They must agree to commit official scrutiny of their membership; they must cede sudden control over the choice of clergy; they must open their financial records to government scrutiny; they must restrict their contacts with other religious institutions; they must accept limits on many activities, such as youth centers or social welfare programs or building projects. If, sorry --

RABBI SAPERSTEIN: Take your time.

MS.

SPIEGEL: And they must eschew evangelism; although -- allow censorship of religious materials and interference with doctrinal thought, and limit religious activity to approved sites. How these regulations are interpreted varies from place to place and province to province. Some local officials are more tolerant. Others interpret the regulations very strictly.

The Chinese leadership also controls religious belief and practice through regulations that are not specifically geared toward religious institutions. Some of those include regulations concerning the right to form a social organization, freedom of assembly -- there are regulations on that which came out very recently -- land use regulations and even regulations on internal

migration.

"The Role of the Official bureaucracy." This is a dual bureaucratic structure centered in the Chinese Communist Party United Front Work Department and the state's Religious Affairs Bureau. It's responsible for implementing and administrating overall religious policy after it is set by the standing committee of the Bureau, the country's top decision-making body. Patriotic associations, one or more of which have been created for each of the five recognized religions help manage the relationship between church and state. As such, they function as additional means of control.

I would like to now talk about the rules of law. As a centerpiece of the control mechanism, registration has allowed the government to claim that religion in China is regulated by law and that those who are punished are punished not for their religious belief but for breaking the law.

Over the past ten years the so-called rule of law has gradually displaced a more arbitrary repressive system that featured ad hoc detentions, arrests, judicial and administrative sentences, and enforced education sessions, disappearances, beatings, and fines. Those targeted found their movements and contacts strictly monitored. Some lost their jobs. In some cases their children were expelled from school.

Although religious activists are still detained and arrested, fewer are sent to labor camps or given longer prison sentences. Rather they are repeatedly harassed or picked up for short periods, then released without charge, and this pattern continues.

The difference between the two systems -- an ad hoc system or a rule-of-law system -- are sometimes hard to distinguish. Under the current rule-of-law system, a carefully drawn up set of legal guidelines authorizes detention, arrests, judicial and administrative sentencing, and other methods currently used under the old ad hoc system. The 1997 campaign in Zhejiang -- Tongxiang, sorry, Tongxiang municipality in Zhejiang province curbed the illegal activities of the Catholic and Protestant Christians according to law, and the 1996 Lianghui township in Jiangxi province plan to curb any illegal activities of the underground Catholic Church according to law are cases in point.

The crackdown on the Falun Gong, a worldwide organization whose members aim to improve their physical, mental, and spiritual well-being through

exercise and meditation, is another example. The Chinese government's highly organized and intensive campaign meditation, which exploded on July 22nd, 1999, employs a series of legal maneuvers that flouts international standards but again allows the Chinese government to claim that its crackdown is based on the rule of law. According to reports -- and I must say some are still unconfirmed -- Falun Gong members have been detained, forcefully re-educated, and sentenced to long terms, and many have been harshly treated by security forces. Others have lost their jobs or their pensions.

Overall, there has been a shift in Chinese religious policy away from seemingly random acts of persecution, in which any practitioner might be targeted, to mass campaigns aimed at relatively large-scale and coordinated groups acting outside the aegis of official control or at repeat offenders who lead small congregations. Notable mass campaigns have been aimed at the so-called underground Catholic Church, attacked because it has refused allegiance to the state before allegiance to the Pope and the Universal Church, and because its members are concentrated in several diverse locales, such as the area around Balding in Hebei province; also the Protestant house churches whose doctrines, lay leadership, and evangelical impetus disallow official recognition and registration; and so-called cults or sects, as defined by the Chinese leadership.

It should be noted, however, that the central government continues to act in an arbitrary and repressive manner when it chooses. For example, seven elderly Catholic bishops were disappeared in an apparent attempt to force their allegiance to the official church -- the "official" or "open" church refers to all registered, and therefore, legal Protestant or Catholic congregations -- and also to bring their congregations into line. The latest incident occurred around midnight on February 10, 2000, when Archbishop Yang Shudao of Fuzhou, Fujian province, was seized by some 150 public security officers. His whereabouts and those of the other bishops remain undisclosed.

According to excerpts from an August 16, 1999, official high-level Chinese document, these recent abductions appear to be part of a carefully orchestrated effort aimed at the destabilization of the underground church in preparation for the normalization of relationships between China and the Vatican. The January 6, 2000 ordination without Vatican approval of five young patriotic bishops was an additional step in this plan.

The arbitrary detentions of at least ninety-five Protestant house-church leaders in early 1999 is another case in point, as is the repeated detention and ill-treatment of Li Dexian in Guangzhou.

Let's

talk a minute about Tibet. State interference with religion is extensive in the Tibet Autonomous Region and so-called eastern Tibet, that is, the traditionally Tibetan areas of Qinghai, Sichuan, Gansu, and Yunnan provinces. Those wishing to become monks or nuns face a series of obstacles. They cannot do so officially until they are 18, which contradicts traditional practice; they must be approved by secular authorities; and they must fit within the total number of monks and nuns permitted in the NTR and within the cap placed on the numbers in any particular monastery or nunnery.

Monks and nuns who refuse to be re-educated along the patriotic lines laid out by the top Chinese leadership face expulsion from their monasteries and nunneries with no provisions for readmission. The requirements include renunciation of support for Dalai Lama, the most revered figure in Tibetan Buddhism; acceptance of and demonstrated support for the Chinese-chosen Panchen Lama, the second most important Tibetan religious leader; and agreement that Tibet has always been an integral part of China.

Some monks have been arrested for their resistance to reeducation; others have even died. Thousands have been expelled from the monasteries. In mid-1999, Sonam Phuntsog, a gifted scholar and teacher, was detained, reportedly for his loyalty to the Dalai Lama. Another monk died in April 1999, a few days after he was released from Gutsa Detention Center. Where resistance to reeducation is particularly strong, nunneries or monasteries may be closed temporarily or even permanently.

In addition, monastic leadership is in the hands of democratic management teams, whose members are vetted for political reliability. Some religious festivals have been banned outright and others have been converted to secular celebrations; commemoration on Dalai Lama's birthday is banned and his picture may not be displayed publically or in monasteries or nunneries.

In January 2000, the Chinese government installed its own choice as Reting Rinpoche, another important Tibetan Buddhist figure. Access to now ten-year-old Gendun Choekyi Nyimma, the child recognized by the Dalai Lama as the Panchen Lama, continues to be denied. In January 1999, the government announced a drive to promote atheism in Tibet.

I'm going to talk another minute about the Xinjiang Uighur Autonomous Region.

RABBI

SAPERSTEIN: Let me suggest just for the sake of time here, if you could focus on the last part, the recommendations. We'll have the written testimony to look at, and some of the other points will come up in discussion. But we want to leave that discussion. We're very interested in that last section.

MS. SPIEGEL: We urge Congress and the Administration to continue to intensify the efforts to pressure China to adhere to international human rights standards. With respect to religion, we urge that the Congress and Administration recognizes the pressure to comply with Article 18 of the Universal Declaration of Human Rights, requires parallel pressure on China to meet similar standards with respect to freedom of expression, association, and assembly.

First of all, the U.S. Commission on Human Rights: Members of Congress and the U.S. Commission on International Religious Freedom should immediately urge the President and members of the Administration to lobby other governments at the highest levels, urging them to support the U.S. initiative to censure China at the annual meeting of the U.N. Commission on Human Rights which opens actually Monday, March 20 in Geneva.

It would also be useful if members of the Commission informally encouraged affiliated religious groups in other countries to promote resolution of their government. The mounting violations of human rights in China in 1999 and 2000 have included serious violations of the right to freedom of belief. I mentioned some of them, the patriotic reeducation campaign in Tibet; limits on evangelical Protestantism; an integrated plan for the destruction of the "underground" church; the crackdown on the practices and spread of Islam in Xinjiang Uighur Autonomous Region; and the virulent campaign against the Falun Gong.

Permanent Normal Trade Relations, NTR, for China: We believe that before China receives permanent NTR., the president should certify to Congress that certain concrete, meaningful, and realistic human rights conditions have been set. For example, China might be required to ratify human rights treaties it has signed. The U.N. Covenant on Civil and Political Rights is one of them, and that contains key guarantees of religious freedom. It should review the cases of convicted counterrevolutionaries and begin a process of dismantling the massive system of reeducation through labor. These steps would result in the release of religious activists, among many others. Open Tibetan and Xinjiang to unhindered access by international humanitarian organizations and independent human rights monitors.

"Support for Thematic U.N. Mechanism": The United Nations Special Rapporteur for Religious

Intolerance visited China in 1994. He made a series of recommendations to the Chinese government, some of which have been implemented -- none of which have been implemented. We urge the Congress and the Administration to insist that the Chinese government implement its regulations and invite him to China again, allowing unfettered access to monitor and report on China's compliance with the 1981 U.N. declaration on elimination of all forms of intolerance and discrimination based on religion or belief.

We further urge that Sir Nigel Rodley, the U.N. Special Rapporteur on torture and cruel, inhumane, or degrading treatment or punishment, when he visits China later this year, he pay special attention to those whose mistreatment arose from insistence on worshiping in accordance with their own consciences.

Coordination with other governments:

We urge the Congress and the Administration to coordinate with other governments on efforts to free Gendun Choekyi Nyimma, the child I mentioned recognized by the Panchen Lama, and his family from house arrest.

We also urge ongoing contacts, official and unofficial, between and among various religious groups in China and their counterparts here in the U.S. We favor dialogue and discussion with the Religious Affairs Bureau and other Chinese government officials charged with formulating or carrying out policy on religion. Thank you.