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International and Chinese Law on Religious Freedom

Both Chinese and international law provide guarantees for religious freedom. Despite these guarantees, the Commission continued to observe widespread and systematic violation of the principles of religious freedom as Chinese authorities exercised broad discretion over the religious practice of Chinese citizens.

Under international law, freedom of religion or belief encompasses both the right to form, hold, and change convictions, beliefs, and religion—which cannot be restricted—and the right to outwardly manifest those beliefs—which can be limited for certain, specific justifications. These principles are codified in various international instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR). China has signed and stated its intent to ratify the ICCPR, which obligates China to refrain in good faith from acts that would defeat the treaty's purpose.

Article 36 of China's Constitution guarantees citizens "freedom of religious belief" and protection for "normal religious activities." With essential terms such as "normal" undefined, it is unclear whether China's Constitution protects the same range of belief and outward manifestation that is recognized under international law. In other ways, however, China's Constitution and other Chinese legal provisions join the ICCPR in prohibiting discrimination based on religion and loosely parallel the ICCPR's prohibition on coercion by forbidding state agencies, social organizations, and individuals from compelling citizens to believe or not believe in any religion.

China's Constitution prohibits "making use of religion to engage in activities that disrupt social order, impair the health of citizens, or interfere with the educational system of the State." The ICCPR does allow State Parties to restrict outward manifestations of religion or belief, but such restrictions must be "prescribed by law and . . . necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others."

Religious Affairs Regulations and Policy

Religious affairs in China are administered by a network of Party committees, government agencies, and official religious organizations under the direction of the Standing Committee of the Communist Party Central Committee Political Bureau (Politburo). The United Front Work Department (UFWD), under the Party's Central Committee, develops and oversees implementation of Party policies on religion and monitors religious groups and leaders on behalf of the Party. The government agency responsible for religious affairs at the national level is the State Administration for Religious Affairs (SARA) under the State Council, while sub-national bureaus manage religious affairs at lower levels. These religious affairs agencies have effective authority over the state-sanctioned "patriotic" religious associations that act as liaisons between the government and practitioners of the five "main" religions in China, while the UFWD vets the association leaders. Public
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security bureaus are generally responsible for enforcement of laws against religious activity deemed illegal.\textsuperscript{19} The “610 Office” is a working group, made up of officials from a number of Party and government agencies, that was originally established in 1999 to coordinate and execute operations for campaigns aimed at eliminating the practice of Falun Gong.\textsuperscript{20} In 2003, the “610 Office” was authorized to target other religions as well.\textsuperscript{21}

The Chinese government’s regulatory framework for religious affairs imposes numerous restrictions on religious freedom. The 2005 Regulations on Religious Affairs (RRA), in effect during this reporting period, protect “lawful” religious rights.\textsuperscript{22} “Lawful” is not defined, and religious activity is subject to extensive government approvals and restrictions.\textsuperscript{23} These include official guidelines for the content and distribution of religious publications, restrictions that limit religious activities to government-approved sites, and requirements that religious personnel be approved by local religious affairs authorities.\textsuperscript{24}

Current regulations require religious groups to register with the government, and legal protection of religious activities is contingent on complying with registration requirements.\textsuperscript{25} Registration requirements can be burdensome and sometimes impossible for religious groups to fulfill—for example, smaller groups may not have the requisite 50 individual members\textsuperscript{26} or the resources to complete complex financial reporting requirements.\textsuperscript{27} Officials will deny registration applications of religious groups that are not affiliated with a state-sanctioned patriotic association.\textsuperscript{28} This poses a challenge for the registration of religious groups that refuse to join patriotic associations; some groups prefer not to join due to their desire to maintain autonomy or their view that doing so would violate their religious beliefs.\textsuperscript{29} Registration and the regulatory system that it facilitates impose restrictions\textsuperscript{30} on rights to religious freedom or belief recognized under international law, such as the right to meet as a religious group,\textsuperscript{31} the right to determine religious leadership,\textsuperscript{32} and content of worship,\textsuperscript{33} the right to religious education,\textsuperscript{34} the right to publication and dissemination of religious materials,\textsuperscript{35} and the right to international communication and exchange.\textsuperscript{36}

Unregistered groups and registered groups alike operate in an environment that is uncertain, as officials may tolerate or punish them depending on whether their activities align with government and Party interests. In practice, experts observe that officials may tolerate the religious activities of unregistered groups,\textsuperscript{37} especially if officials believe that the activities promote social or economic development interests.\textsuperscript{38} Unregistered religious and spiritual communities are vulnerable to government harassment, detention, and other abuses,\textsuperscript{39} yet groups may be sanctioned regardless of registration status when officials view them as posing a challenge to government authority or the Party’s interests,\textsuperscript{40} with some religious groups and practices banned outright.\textsuperscript{41} The UN Special Rapporteur on freedom of religion and belief has stated that “registration as a precondition for practicing one’s religion or belief” is a limitation interfering with the right to freedom of religion or belief.\textsuperscript{42}
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The Chinese government released draft revisions to the Regulations on Religious Affairs in September 2016, soliciting public comment for a one-month period. In a written explanation, the government highlighted objectives that included addressing the use of religion to threaten national security, strengthening the role of patriotic religious organizations, regulating religious content on the Internet, allowing religious groups to register for legal status and obtain property rights over their assets, and combatting commercialization in the religious sector. Some Chinese religious believers and scholars viewed a few of the proposed changes as potential improvements on current regulations, particularly the provision allowing religious groups to register for legal status. The draft revisions also included new provisions codifying the role of public security in the implementation of religious affairs regulations and increased government scrutiny of religious groups, prompting observations that such measures would serve to increase government control of religious groups. The draft revisions also included new penalties for those “providing facilities” for unauthorized religious activities, which experts believed might be used to target unregistered Protestant groups. Observers also noted that the draft revisions failed to clearly define some important terms, such as “extremism,” “normal,” and “abnormal,” thus giving authorities broad discretion to restrict citizens’ religious rights. One Muslim leader said that such discretion over the definition of “extremism” in local regulations had already led to large-scale repression of religious freedom in the Xinjiang Uyghur Autonomous Region. The release of the draft revisions followed a major leadership conference on religious policy convened by President and Party General Secretary Xi Jinping in April 2016, during which Xi promoted the “sinicization” of religion in China, a term that officials have used often in recent years to encourage the adaptation of religious beliefs and activities to align with government and Party interests. One international rights organization characterized the revisions as “implementing the new ideology [of sinicization] on a legislative level.” The revisions are in line with a long-term Party policy of using religion as an instrument for promoting national unity and social stability, although commentators also drew parallels with recently implemented restrictions on civil society groups through legislative measures such as the PRC Law on the Management of Overseas Non-Governmental Organizations’ Activities. In January 2017, the SARA included implementation of revisions to the RRA in its 2017 Work Objectives, stating that it would hold meetings and trainings regarding implementation and provide guidance to local governments to align local regulations with the revisions.

On September 7, 2017, the State Council issued revisions to the RRA, to take effect on February 1, 2018. The final revisions contained few changes from the draft released for public feedback. One scholar stated that he believed some of the “candid” recommendations offered by lawyers and legal scholars went unconsidered and that the final revisions were “more restrictive” than the draft version.

Other laws and Party policies also continued to restrict citizens’ freedom to hold religious beliefs and practice religion. Article 300
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of the PRC Criminal Law criminalizes “organizing and using a cult to undermine implementation of the law.” In January 2017, the Supreme People’s Court and the Supreme People’s Procuratorate issued a joint interpretation of Article 300 that set out new sentencing guidelines and expressly criminalized certain forms of Internet usage to disseminate information about a “cult,” among other revisions. One international rights organization speculated that the new sentencing guidelines might reduce the length of sentences under Article 300, yet also expressed concern about the authorization of new penalties, such as deprivation of political rights. The revised interpretation took effect in February 2017.

In addition, the PRC National Security Law stipulates that “the use of religion to conduct illegal criminal activities that threaten state security” must be prevented and punished. The law also contains mandates to “maintain the order of normal religious activities,” “oppose the interference of foreign influence into domestic religious affairs,” and “suppress cult organizations.” The longstanding ban on religious belief for Party members remained in effect; SARA Director Wang Zuo’an reiterated the ban in a July 2017 article for a major Party journal, noting that in recent years, certain high level officials had been found to believe in religion and that officials with religious beliefs would “undergo education to relinquish their beliefs” or face punishment.

Chinese Buddhism (Non-Tibetan) and Taoism

While government and Party officials rarely targeted Chinese Buddhist and Taoist communities with direct suppression, they nonetheless continued to subject these religions to extensive regulation and control. A large number of Chinese citizens engage in Buddhist and Taoist practices, with estimates of around 244 million Buddhists as of 2010,72 and 173 million citizens engaging in some Taoist practices as of 2007. [For information on Tibetan Buddhism, see Section V—Tibet.]

Government regulations continued to require Taoist and Buddhist temples to register with their local religious affairs bureau, and to forbid unregistered sites from conducting religious activities and collecting donations. Despite this prohibition, numerous active Buddhist and Taoist sites have not registered.

The government and Party continued their wide-ranging control and support of officially sanctioned practice of Chinese Buddhism and Taoism. In addition to maintaining extensive regulations, authorities continued to exercise control over sanctioned practice by, for example, administering sanctioned sites in conjunction with religious leaders. Authorities ensure the political reliability of Taoist religious leadership by requiring all candidates for the clergy to obtain the approval of the local patriotic association and religious affairs bureau for ordination.

Chinese officials continued to hold the leader of the Buddhist Huazang Dharma group, Wu Zeheng, and several followers in custody. Authorities sentenced Wu to life in prison in 2015 on charges of “organizing and using a cult to undermine implementation of the law,” rape, fraud, and the production and sale of poisonous or harmful food. In November 2016, the UN Working Group on Arbitrary Detention issued opinions concluding that the
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Chinese government arbitrarily detained Wu and his followers for “legitimate exercise of the right to freedom of opinion and expression, freedom of religion and freedom of association,” opining that Wu and the other detainees should be released immediately and compensated for the violations of their rights.83 Wu served an 11-year sentence from 1999 to 2010 for “economic crimes” after openly criticizing official restrictions on religious freedom in China.84

Christianity—Catholicism

The Chinese government maintained measures that impede the freedom under international standards85 of Chinese Catholic congregations to be led by clergy who are selected and who conduct their ministry according to Catholic religious beliefs. The number of Catholics is estimated to be around 12 million, with the State Administration for Religious Affairs reporting that 5.7 million Catholics were part of officially sanctioned congregations in 2014.86 The government continued to push for Chinese Catholic bishops to be “self-selected and self-ordained”87—selected through the patriotic religious organizations in consultation with government and Party officials, and then ordained by Chinese bishops without the involvement of the Holy See.88 Many Chinese Catholics, sometimes known as “underground Catholics,” avoid the ministry of these bishops because they believe legitimate ecclesiastical authority can be conferred only by the Pope’s mandate.89 Many Chinese Catholics also object to bishops who are members of the patriotic religious association for Chinese Catholics, the Catholic Patriotic Association (CPA).90 The Holy See has declared the CPA “incompatible with Catholic doctrine” because it claims authority over Chinese bishops and their church communities while being backed by the Chinese government and maintaining independence from the Holy See.91

The Chinese government and the Holy See were reportedly close to an agreement about the system of bishop appointments in China in October 2016,92 but the potential agreement was in question after Paul Lei Shiyin, an excommunicated bishop ordained without papal approval, participated in two ordination ceremonies for Chinese bishops later in the year.93 Local observers reportedly believed that Lei’s inclusion in the ordinations was directed by the Chinese government to signal its ultimate authority over the Catholic Church in China.94 A Catholic news media outlet reported that a round of talks in June 2017 “was not smooth,” ending with “no open gesture from either side.”95

Government officials continued to detain or otherwise restrict the freedom of Catholic leaders in both the underground and official church. In April 2017, officials reportedly detained two underground Catholic bishops in undisclosed locations—Peter Shao Zhumin of the Diocese of Wenzhou in Zhejiang province96 and Vincent Guo Xijin of the Diocese of Mindong in Fujian province.97 The bishops were unable to preside over Easter services, and Catholic news media reported that the local governments intended to pressure the bishops into joining the CPA.98 Guo was reportedly released in May 2017; Shao was released after five days in detention, but detained again in May 2017.99 According to the Catholic news outlet LaCroix, this was the fourth time authorities had detained Shao since he became the Bishop of Wenzhou after his predecessor
passed away in September 2016. As of August 2017, the Commission had not observed any reports as to the whereabouts or condition of Shao or of several underground Catholic leaders from Hebei province, including Coadjutor Bishop Cui Tai, Bishop Cosmos Shi Enxiang, and Bishop James Su Zhimin. A bishop in the official church, Thaddeus Ma Daqin of the Diocese of Shanghai, remained under surveillance and extralegal confinement at Sheshan seminary in Shanghai municipality, although he reportedly rejoined the Shanghai branch of the CPA by January 2017. Authorities had restricted Ma's freedom of movement and communication after his public resignation from the CPA during his ordination ceremony in July 2012.

Christianity—Protestantism

Chinese government and Communist Party officials continued to subject Protestant Christian belief and practice to a wide range of restrictions, infringing upon the religious freedom of an estimated 60 to 80 million Chinese Protestants. Instances of official persecution of Protestant communities in 2016 reportedly increased from the prior year. International rights organization ChinaAid said that the intensified clampdown of recent years may be due in part to official concern that Protestant communities pose a potential threat to the dominance of the Communist Party because of their size, socioeconomic diversity, independent and decentralized manner of organization, and connections with Christian groups based in foreign, democratic countries. International observers asserted that official hostility toward Protestantism may also be connected to the Party's "sinicization" campaign in recent years aimed at adapting religious belief and practices in China to align with government and Party interests.

Officials increased restrictions and monitoring for churches that have joined the Three-Self Patriotic Movement (TSPM), the state-controlled organization that manages Protestant religious practice. These increased restrictions, commentators noted, continued a trend of expanding the enforcement of repressive policies from house churches to officially sanctioned churches. Such measures included a prohibition on churches organizing summer activities for youth in Henan province and a ban on minors participating in any church activities for many churches in Wenzhou municipality, Zhejiang province. Earlier in the year, the Zhejiang TSPM reportedly issued a written requirement for all churches, including Catholic churches, to install surveillance cameras for the purported purpose of "strengthening anti-terrorism efforts." Local officials began the forcible installation of cameras in some churches in March 2017 and reportedly beat those who attempted to oppose their efforts.

Chinese officials continued policies aimed at pressuring unregistered Protestant congregations, commonly known as house churches, to join the TSPM. As in previous years, Protestant house churches continued to face raids during church gatherings, eviction from meeting spaces, and official bans on worship. ChinaAid further reported that authorities forced some churches in Wenzhou to install surveillance cameras for government moni-
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toring, in apparent connection with the TSPM notice mentioned above.119 Authorities also reportedly subjected some believers to harassment,120 violence,121 or detention.122 In Jiangxi province, local governments reportedly issued directives to forcibly remove crosses and perimeter walls from churches;123 by August 2017, authorities had removed at least 10 church crosses,124 leading local religious leaders to raise concerns about parallels to the official cross-removal campaign in Zhejiang beginning in 2014 that ultimately removed more than 2,000 crosses.125 The Wenzhou Municipality Ethnic and Religious Affairs Bureau in Zhejiang announced a new plan for a program that would deploy over 1,500 religious affairs bureau liaisons to monitor the religious activity of all households in Lucheng district, Wenzhou.126 In several instances, authorities detained house church members on charges of “organizing and using a cult to undermine implementation of the law,” under Article 300 of the PRC Criminal Law.127 Some researchers have noted with concern that some Chinese authorities may be applying the criminal “cult” designation to religious groups beyond those officially banned by the government to generally cover all religious organizations not officially registered with the government.128 Chinese Protestant communities expressed concern that the revisions to the Regulations on Religious Affairs129 would provide a legal basis for further restricting the activities of unregistered Protestant congregations.130

During this reporting year, prominent cases involving the detention of Protestant Christian believers included:

- **Li Hongmin.** Authorities arrested Li Hongmin, a member of a house church in Guangdong province, in July 2016 and tried him for “illegal business activity”131 in October 2016.132 The indictment accused him of printing Christian books without official permission.133 In March 2017, authorities sentenced him to 10 months’ imprisonment and a fine of 10,000 yuan.134 Local authorities harassed his wife, Xu Lei, and pressured her landlord to evict her after she attempted to petition authorities in Beijing municipality regarding Li’s detention.135

- **Living Stone Church members.** Authorities tried several members of the Living Stone Church, a house church in Guiyang municipality, Guizhou province, after extended periods of detention, including Pastor **Li Guozhi** (also known as Yang Hua, sentenced to two years and six months’ imprisonment in December 2016 for “intentionally leaking state secrets”),136 **Zhang XiuHong** (a church deacon, sentenced to five years’ imprisonment in February 2017 for “illegal business activity,”137 later reduced in August 2017 to a three-year sentence, suspended for five years),138 and church members **Wang Yao** and **Yu Lei** (tried in October 2016 for “intentionally leaking state secrets,” both had yet to receive a ruling as of August 2017).139 In March 2017, Pastor Yang Hua’s lawyers asserted that he urgently needed to be hospitalized for a serious medical condition and asked the procuratorate to review the necessity of his detention.140 The Guiyang government subjected many other Living Stone Church members to repressive measures such as fines, harassment, surveillance, and detention
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after designating the church an “illegal social group” in 2015.141

- **Zhang Shaojie.** The pastor of a registered TSPM church in Nanle county, Puyang municipality, Henan province, Zhang Shaojie continued to serve a 12-year sentence issued in 2014 for “fraud” and “gathering a crowd to disturb social order.”142 In June 2017, his daughter reported that authorities were depriving him of sleep, food, and access to the outdoors, and also forbid him from discussing conditions in prison with family members during visits.143 Authorities detained Zhang in November 2013, after a group of church members traveled to Beijing municipality to file a petition regarding a land dispute with local authorities.144

- **Gu Yuese.** Authorities in Hangzhou municipality, Zhejiang province, detained Gu Yuese for a second time in December 2016 and re-arrested him in January 2017 for “misappropriation of funds.”145 Gu is reportedly the highest level figure within a government-sponsored religious organization to have been arrested in nearly thirty years—he was the leader of China’s largest officially sanctioned church146 and chairperson of the China Christian Council, a patriotic religious organization, at the provincial level.147 He was detained in January 2016 and stripped of these positions in February 2016 after he expressed opposition to the ongoing cross-removal campaign in Zhejiang.148 Authorities had arrested Gu on the same charge in January 2016 and released him on bail in March 2016.149

**Falun Gong**

As in previous years, authorities continued to detain Falun Gong practitioners and subject them to harsh treatment.150 Due to extreme government suppression, it is difficult to determine the number of Falun Gong practitioners in China.151 Officials have reportedly subjected practitioners to extreme physical and psychological coercion, with human rights organizations152 and Falun Gong practitioners documenting coercive and violent practices against practitioners during custody, including physical violence,153 forced drug administration,154 and other forms of torture.155 In March 2017, Minghui (Clear Wisdom), a U.S.-based news organization affiliated with Falun Gong, reported 80 confirmed deaths of Falun Gong practitioners in 2016 due to treatment while in custody.156 Authorities commonly prosecute Falun Gong practitioners under Article 300 of the PRC Criminal Law.157

International observers continued to express concern over reports that numerous organ transplants in China have used the organs of detained prisoners, including Falun Gong practitioners.158 International medical professionals were skeptical159 of a Chinese health official’s claims that organ procurement systems have been reformed in compliance with international standards, noting a lack of transparency160 and discrepancies in official data.161

**Islam**

During this reporting year, officials maintained policies exerting strong influence and control over the religious belief and activities
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of an estimated 10.5 million Hui Muslim believers. Although policies for Hui Muslims remained less repressive than those affecting Muslims in the Xinjiang Uyghur Autonomous Region (XUAR), hostile rhetoric targeting Muslims in general from both officials and the public increased. One expert said that this could increase the likelihood that policies affecting the religious freedom of Hui Muslims may become more restrictive. [For information on freedom of religion for Uyghur and other minority group Muslim believers in the XUAR, see Section IV—Xinjiang.]

Ongoing policies included “political reliability” and “patriotic education” requirements for religious leaders. To be officially certified, imams must be educated at state-sanctioned Islamic schools and be approved by the local religious affairs bureau and the Islamic Association of China, the patriotic religious association for Chinese Muslims. After certification, imams must continue to attend political training sessions. Both the Islamic Association of China (IAC) and the State Administration for Religious Affairs (SARA) continued to promote interpretations of Islamic law and belief that support the Chinese political system. All Chinese Muslims seeking to carry out the Hajj pilgrimage must fulfill requirements for “political reliability,” including taking “patriotic education” classes, obtaining approval from their local religious affairs bureau, and participating only through tours arranged by the IAC.

This past year, officials made a number of statements claiming a need to counter an alleged increase of Muslim extremist influence in Chinese society, while reportedly tacitly approving anti-Muslim commentary and the harassment of Muslim believers on social media networks. SARA Director Wang Zuo’an stated in November 2016 that Islamic extremism was spreading to China’s “inland provincial areas,” and that authorities should respect Islamic beliefs, but that religious influence on political, legal, or educational affairs would not be tolerated. A U.S.-based scholar stated that “interest groups” had used the recently permissive environment for “Islamophobia” online to justify security measures taken against Uyghur communities in the XUAR. Observers also noted a connection with the recent ascendance of Party officials who support hard-line policies on religion. In one example from December 2016, a propaganda official in the XUAR used inflammatory language in an online post regarding the rebuilding of a historic mosque in Hefei municipality, Anhui province, by the local Hui Muslim community; locals subsequently held demonstrations against the mosque and threatened local Hui Muslim believers. Domestic online commentators have also criticized the Chinese government’s restrictions on Hui Muslim believers for being too lax relative to restrictions on Muslims in the XUAR. One expert stated that the anti-Muslim anxiety generated on social media could put pressure on local officials to respond with policy measures, making Hui Muslim communities vulnerable to increased surveillance and restrictions.

Other Religious Communities

Religious communities outside of the five religions that are the main objects of religious affairs regulation continue to exist in China; some enjoy official support, while others face suppression.
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from authorities. For example, despite lacking formal recognition at the national level, some folk religious sites\textsuperscript{179} and Eastern Orthodox Christian communities\textsuperscript{180} are recognized at the local level. In contrast, authorities maintained the restrictions imposed suddenly in 2014 on Jewish religious activity in Kaifeng municipality, Henan province.\textsuperscript{181} The Chinese government also maintained its official policy of allowing some foreign religious communities to hold religious services for foreign nationals.\textsuperscript{182}
Notes to Section II—Freedom of Religion


2 Universal Declaration of Human Rights, adopted and proclaimed by UN General Assembly resolution 217A (III) of 10 December 48, art. 18; International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76, art. 18. Article 18 of the ICCPR upholds a person’s right to “have or adopt a religion or belief” and the freedom to manifest that religion or belief “in worship, observance, practice and teaching.” Article 18 also prohibits coercion that impairs an individual’s freedom to freely hold or adopt a religion or belief. See also Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, adopted by UN General Assembly resolution 36/55 of 25 November 81.

3 International Covenant on Civil and Political Rights (ICCPR), adopted by UN General Assembly resolution 2200A (XXI) of 16 December 66, entry into force 23 March 76; United Nations Treaty Collection, Chapter IV, Human Rights, International Covenant on Civil and Political Rights, last visited 18 July 17. China has signed but not ratified the ICCPR.


6 PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 36.


8 State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, art. 2(2); PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 36.

9 Ibid., art. 36(2).

10 PRC Constitution, issued 4 December 82, amended 12 April 88, 29 March 93, 15 March 99, 14 March 04, art. 36; State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, art. 2.


12 Ibid., Carsten T. Vals, “Protestant Christianity and Civil Society in Authoritarian China,” China Perspectives, No. 3 (October 2012), 46.


14 Ibid., 154.

15 Jessica Batke, “PRC Religious Policy: Serving the Gods of the CCP,” China Leadership Monitor, Hoover Institution, Stanford University, No. 52 (Winter 2017), 14 February 17, 3; Vincent Goosnaert and David A. Palmer, The Religious Question in Modern China (Chicago: University of Chicago Press, 2011), 133, 330. The “patriotic” religious associations are state-controlled institutions that represent the five “main” religions of China: the Buddhist Association of China, the China Islamic Association, the China Taoist Association, the Chinese Catholic Patriotic Association, and the National Conference of Bishops (an organization led by Catholic clergy), the Three-Self (for “self-governing, self-supporting, and self-propagating”) Patriotic Movement and the Chinese Christian Council (the latter two organizations have overlapping membership and represent Protestants). According to Goosnaert and Palmer, although “nominally independent,” the “patriotic” religious associations are effectively under the authority of the State Council’s agency for religious affairs.

16 Ibid., 154.

17 Vincent Goosnaert and David A. Palmer, The Religious Question in Modern China (Chicago: University of Chicago Press, 2011), 133, 330. The “patriotic” religious associations are state-controlled institutions that represent the five “main” religions of China: the Buddhist Association of China, the China Islamic Association, the China Taoist Association, the Chinese Catholic Patriotic Association, and the National Conference of Bishops (an organization led by Catholic clergy), the Three-Self (for “self-governing, self-supporting, and self-propagating”) Patriotic Movement and the Chinese Christian Council (the latter two organizations have overlapping membership and represent Protestants). According to Goosnaert and Palmer, although “nominally independent,” the “patriotic” religious associations are effectively under the authority of the State Council’s agency for religious affairs.

18 Ibid., 154.


21 Ibid.

22 State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, art. 3.

23 State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05. The Regulations on Religious Affairs (RRA) contains provisions authorizing official intervention into religious practices, beliefs, and organization, e.g., art. 6 (requiring religious groups to register with the government); art. 8 (requiring institutions for religious education to apply for government approval); art. 11 (requiring hajj, the religious pilgrimage undertaken by Muslims, to be organized through the national religious body of Islam); art. 17 (requir-
ing sites for religious activities to set up management organizations and exercise democratic
management); and art. 18 (requiring sites for religious activities to set up management systems
for personnel, finance, accounting, hygiene, and health, among other requirements, all under
the supervision of local government agencies).

42 Ibid. The Regulations on Religious Affairs (RRA) contains provisions authorizing official
intervention into religious practices, beliefs, and organization, e.g., art. 6 (requiring religious
groups to register with the government); art. 7 (providing official guidelines for the content
and distribution of religious publications); art. 8 (requiring institutions for religious education
to apply for government approval); art. 11 (requiring hajj, the religious pilgrimage undertaken by
Muslims, to be organized through the national religious body of Islam); art. 12 (requiring reli-
gious activities to be held at state-approved sites); art. 17 (requiring sites for religious activities
to set up management organizations for personnel, finance, accounting, hygiene, and health, among other requirements, all under the supervision of local government agencies); and art. 27 (subjecting religious personnel to qualification by a religious body and
subsequent reporting to religious affairs bureaus).

Article 6 requires religious organizations to register in accordance with the
Regulations on the Management of the Registration of Social Organizations.

28 Ibid., art. 10(1).
29 Sarah Cook, Freedom House, “The Battle for China’s Spirit: Religious Revival, Repression,
China (2016),” 27.
31 Some Perspectives and Analysis From Several Scholars and House Church Pastors on the
‘Draft Revisions to the Regulations on Religious Affairs (Deliberation Draft)” (Guanyu “zongjiao tuanti (zongjiao tuanti), to conduct religious activities (art. 27). China Human Rights Lawyers Concern
32 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based
on Religion or Belief, adopted by UN General Assembly resolution 36/55 of 25 November 81, art.
6(g); State Council, Regulations on Religious Affairs (Zongjiao shiwu tiaoli), issued 30 November
04, effective 1 March 05, art. 6; State Council, Regulations on the Registration and Management
of Social Organizations [Shehui tuanti dengji guanli tiaoli], issued 25 October 98, amended and
effective 6 February 16, art. 39. Article 6 of the Regulations on Religious Affairs require reli-
gious organizations to register in accordance with the Regulations on the Registration and Man-
gagement of Social Organizations, and protects the religious activities of only those religious or-
ganizations in compliance with the latter regulations. The religious activities of all other reli-
gious organizations receive no such explicit protection under the Regulations and as such may
be deemed illegal, resulting in a restriction of certain religious activities. See also ChinaAid,
“Church Torn Apart by Abuse Pens Letter Describing Persecution,” 13 June 17.
33 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based
on Religion or Belief, adopted by UN General Assembly resolution 36/55 of 25 November 81, art.
6(g); State Council, Regulations on Religious Affairs (Zongjiao shiwu tiaoli), issued 30 November
04, effective 1 March 05, art. 6; State Council, Regulations on the Registration and Management
of Social Organizations [Shehui tuanti dengji guanli tiaoli], issued 25 October 98, amended and
effective 6 February 16, art. 35. While the Declaration includes the freedom to “worship or as-
semble in connection with a religion or belief, and to establish and maintain places for these
purposes,” Article 6 of the Regulations on Religious Affairs requires religious organizations to
register in accordance with the Regulations on the Registration and Management of Social Orga-
nizations. The latter in turn prohibit activities conducted by unregistered social organizations
(art. 35), thus restricting the right of unregistered religious groups to assemble and worship,
as well as establish and maintain places for those purposes.
34 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based
on Religion or Belief, adopted by UN General Assembly resolution 36/55 of 25 November 81, art.
6(g); State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November
04, effective 1 March 05, art. 27. While the Declaration includes the freedom to “train, appoint,
elect or designate by succession appropriate leaders called for by the requirements and stand-
ards of any religion or belief,” the Regulations on Religious Affairs permit only those religious
personnel approved by the relevant religious associations, referred to as “religious organizations”
(zongjiao tuanti), to conduct religious activities (art. 27). China Human Rights Lawyers Concern
35 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based
on Religion or Belief, adopted by UN General Assembly resolution 36/55 of 25 November 81, art.
6(c), (h); State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 Novem-
ber 04, effective 1 March 05, art. 12. While the Declaration includes the freedom to “formally
acquire, and use to an adequate extent the necessary articles and materials related to the rites
or customs of a religion or belief” (art. 6(c)), and to “celebrate holidays and ceremonies in accord-
ance with the precepts of one’s religion or belief” (art. 6(h)), the Regulations on Religious Affairs
have provisions such as requiring group religious activities to be held at registered sites with
“qualified” religious personnel and in “compliance with religious doctrines and canons” (art. 12).
43 Ibid., arts. 5(2), 6(e); Ibid., arts. 3, 8, 9, 43. While the Declaration includes the freedom of
every child to “have access to education in the matter of religion or belief in accordance with
the wishes of his parents” (art. 5(2)), and the freedom to “teach a religion or belief in places
suitable for these purposes” (art. 5(3)), the Regulations on Religious Affairs prohibit use of reli-
gion to “interfere with the educational system of the State” (art. 3) and require institutions for
religious education to be approved at the national level (art. 8).

Ibid., art. 6(d); Ibid., art. 7. While the Declaration includes the freedom to “write, issue and
disseminate relevant publications” (art. 6(d)), the Regulations on Religious Affairs regulate the
contents of religious publications and require compliance with other administrative rules (art. 7).

36Ibid., art. 6(i); Ibid., arts. 10, 11, 22, 43. While the Declaration includes the freedom to “establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels” (art. 6(ii)), the Regulations on Religious Affairs require separate approval for large-scale religious activity that involves those governed by different provincial-level administrations (art. 22) and further require the hajj pilgrimage and religious studies abroad to be arranged by the state-sanctioned national religious organizations (arts. 10–11).


40Ibid., 5–7.


43State Council Legislative Affairs Office, Draft Revisions to the Regulations on Religious Affairs (Review Draft) (Zongjiao shiwu tiaoli xiuding cao’an (songshen gao)), 7 September 16.

44State Council Legislative Affairs Office, Request for Public Comment on “Draft Revisions to the Regulations on Religious Affairs (Review Draft)” (“Zongjiao shiwu tiaoli xiuding cao’an (songshen gao)” gongkai zhengqiu yijian), 8 September 16.

45Department on Legislative Affairs for Politics, Law, and National Defense, State Council Legislative Affairs Office, Explanation Regarding the “Draft Revisions to the Regulations on Religious Affairs (Review Draft)” (Guanyu “zongjiao shiwu tiaoli xiuding cao’an (songshen gao)” de shuoming), 7 September 16.


48See, e.g., State Council Legislative Affairs Office, Draft Revisions to the Regulations on Religious Affairs (Review Draft) (Zongjiao shiwu tiaoli xiuding cao’an (songshen gao)), 7 September 16, arts. 6, 9, 33, 35, 65.


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55 "Xi Jinping: Comprehensively Improve Religious Work Standards Under the New Situation" [Xi jinping: quanmian tigao xin xingshi xia zongjiao gongzuo shuiping], Xinhua, 23 April 16; ChinaAid, 2016 Annual Report, 6 October 16, 128.


57 State Council Legislative Affairs Office, Draft Revisions to the Regulations on Religious Affairs (Review Draft) [Zongjiao shiwu tiaoli xuding cao’an (songshen gao)], 7 September 16, art. 4; Chinese Communist Party Central Committee, “The Basic Viewpoint and Policy on the Religious Question During China’s Socialist Period” [Guanyu woguo shehuihuixi shi zongjiao deri de jiben guandian he jiben zhengce], issued 30 November 04, effective 1 March 05, art. 3. The RRA states that “Religious organizations, sites for religious activities and religious citizens shall . . . safeguard unification of the country, unity of all nationalities, and stability of society.”


60 Li Keqiang Signs State Council Order Issuing Revised ‘Regulations on Religious Affairs’ [Li keqiang qianshu guowu ling gongbu xiuding hou de ‘zongjiao shiwu tiaoli’], Xinhu, 7 September 17.


63 “PRC Criminal Law [Zhonghua renmin gongheguo xing fa], passed 1 July 79, amended 14 March 97, effective 1 October 97, amended 25 December 99, 31 August 01, 29 December 01, 28 December 02, 28 February 05, 29 June 06, 28 February 09, 25 February 11, 29 August 15, effective 1 November 15, art. 300.

64 Supreme People’s Court and Supreme People’s Procuratorate, Interpretation of Certain Issues Related to Handling Criminal Cases Concerning Organizing, Using a Cult To Undermine Implementation of the Law [Guanyu banni zuixi, liyong siejiao zuixi pohui falu shishi deng xingshi anjian shiyong falu ruogan wenti de jieshi], issued 25 January 17, effective 1 February 17; Dui Hua Human Rights Foundation, “Will a New Judicial Interpretation on Cults Lead to Greater Leniency?” Dui Hua Human Rights Journal, 24 February 17.


66 Supreme People’s Court and Supreme People’s Procuratorate, Interpretation of Certain Issues Related to Handling Criminal Cases Concerning Organizing, Using a Cult To Undermine Implementation of the Law [Guanyu banni zuixi, liyong siejiao zuixi pohui falu shishi deng xingshi anjian shiyong falu ruogan wenti de jieshi], issued 25 January 17, effective 1 February 17.

67 PRC National Security Law [Zhonghua renmin gonghe guo guojia anquan fa], passed and effective 1 July 15, art. 27.

68 Ibid.


70 Liu Caiyu, “Party Members Told To Give Up Religion for Party Unity or Face Punishment,” Global Times, 18 July 17.


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74 State Council, Regulations on Religious Affairs [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, arts. 6, 8, 13–15. 27. See, e.g., RRA, art. 6 (requiring religious organizations to register in accordance with the Regulations on the Management of the Registration of Social Organizations); art. 8 (requiring an application to the State Administration for Religious Affairs [SARA] to establish an institute for religious learning); arts. 13–15 (imposing an application procedure to register venues for religious activity); and art. 27 (requiring the appointment of religious personnel to be reported to the religious affairs bureau at or above the county level and requiring reporting for the appointment of living Buddhas for approval to govern-ments at the prefecture level or higher, and requiring reporting for the record the appointment of Catholic bishops to SARA). For measures regulating Taoist religious activity, see, e.g., Chinese Taoist Association, Measures for the Management of Taoist Temples [Daojiao gongguan guanli banfa], issued 23 June 10, amended 29 June 15, reprinted in State Administration for Religious Affairs, 15 October 15; Chinese Taoist Association, Measures for the Appointment of Key Religious Personnel in Taoist Temples (Daojiao gongguan zhuo yu jiaozi renzhi banfa), issued 23 June 10, amended 29 June 15, reprinted in State Administration for Religious Affairs, 15 October 15. For measures regulating Buddhist religious activity, see, e.g., Buddhist Association of China, Measures for the Appointment of the Heads of Theravada Buddhist Monasteries [Nanchuan fojiao siyuan zhuchi renzhi banfa], issued 3 November 11, reprinted in State Administration for Religious Affairs, 21 December 11; Buddhist Association of China, Measures for the Management of Monastic Vows in National Chinese Buddhist Monasteries [Quanguo hanchuan fojiao siyuan chuanzun santan daiji guanli banfa], issued 3 November 11, reprinted by State Administration for Religious Affairs, 21 December 11.


77 State Council, Regulations on Religious Affairs (RRA) [Zongjiao shiwu tiaoli], issued 30 November 04, effective 1 March 05, arts. 6, 8, 13–15, 27. See, e.g., RRA, art. 6 (requiring religious organizations to register in accordance with the Regulations on the Registration of Social Organizations); art. 8 (requiring an application to the State Administration for Religious Affairs [SARA] to establish an institute for religious learning); arts. 13–15 (imposing an application procedure to register venues for religious activity); and art. 27 (requiring the appointment of religious personnel to be reported to the religious affairs bureau at or above the county level and requiring reporting for the appointment of living Buddhas for approval to govern-ments at the prefecture level or higher, and requiring reporting for the record the appointment of Catholic bishops to SARA). For measures regulating Taoist religious activity, see, e.g., Chinese Taoist Association, Measures for the Management of Taoist Temples [Daojiao gongguan guanli banfa], issued 23 June 10, amended 29 June 15, reprinted in State Administration for Religious Affairs, 15 October 15; Chinese Taoist Association, Measures for the Appointment of Key Religious Personnel in Taoist Temples (Daojiao gongguan zhuo yu jiaozi renzhi banfa), issued 23 June 10, amended 29 June 15, reprinted in State Administration for Religious Affairs, 15 October 15. For measures regulating Buddhist religious activity, see, e.g., Buddhist Association of China, Measures for the Appointment of the Heads of Theravada Buddhist Monasteries [Nanchuan fojiao siyuan zhuchi renzhi banfa], issued 3 November 11, reprinted in State Administration for Religious Affairs, 21 December 11; Buddhist Association of China, Measures for the Management of Monastic Vows in National Chinese Buddhist Monasteries [Quanguo hanchuan fojiao siyuan chuanzun santan daiji guanli banfa], issued 3 November 11, reprinted by State Administration for Religious Affairs, 21 December 11.


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113 Ibid.; ChinaAid, “Zhejiang Province Orders Churches To Install Surveillance Equipment,” 2 April 17.
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178 State Council Information Office, “The Situation of Religious Freedom in China” [Zhongguo de zongjiao xinyang ziyu zhuangkuang], October 1997, sec. I. The central government has referred to five religions as China’s “main religions,” stating that the religions citizens “mainly” follow are Buddhism, Taoism, Islam, Catholicism, and Protestantism. Henan Province People’s Congress Standing Committee, Henan Province Regulations on Religious Affairs [Henan sheng zongjiao shiwu tiaoli], issued 30 July 05, effective 1 January 06, art. 2; Shaanxi Province People’s Congress Standing Committee, Shaanxi Province Regulations on Religious Affairs [Shaanxi sheng zongjiao shiwu tiaoli], issued 23 September 00, amended 30 July 08, effective 1 October 08, art. 2. Some local regulations on religious affairs define “religion” to mean only these five religions.


180 See, e.g., Songbei District People’s Government, Harbin Municipal Measures for the Management of Venues for Religious Activity [Harbin shi zongjiao shiwu huodong changsuo guanli banfa], issued 10 September 09, reprinted in Harbin Municipal People’s Government, 5 April 17, art. 2; State Council Information Office, “The Situation of Religious Freedom in Xinjiang” [Xinjiang
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de zongjiao xinyang ziyou zhuangkuang], reprinted in Xinhua, 2 June 16, secs. 1, 3. The Orthodox church has also been recognized to varying degrees at the local government level.


182 State Council, Provisions on the Management of Religious Activities of Foreigners Within the People’s Republic of China [Zhonghua renmin gongheguo jingnei waiguoren zongjiao huodong guanli guiding], issued and effective 31 January 94, art. 4. See also State Administration for Religious Affairs, Implementing Details for the Provisions on the Management of Religious Activities of Foreigners Within the PRC [Zhonghua renmin gongheguo jingnei waiguoren zongjiao huodong guanli guanli shishi xize], issued 26 September 00, amended 29 November 10, effective 1 January 11, arts. 7, 17(5).