Chinese Religious Regulations in the Xinjiang Uyghur Autonomous Region: A Veiled Threat to Turkic Muslims? By JULIA FAMULARO

adical Islam constitutes a growing challenge in the immediate periphery of the People's Republic of China (PRC) and beyond. ¹Al-Oaeda has made headlines by proclaiming that it seeks to "recover" East Turkestan [Xinjiang] and incorporate it into an Islamic Caliphate. Such calls for the strict Islamization of Xinjiang society are anathema to Uyghurs and other local minorities. who are moderate. syncretic Muslims. China and its neighbors have expressed legitimate security concerns, and are taking measures to combat extremism and terrorism. Chinese Communist Party (CCP) leaders are placing emphasis on "managing religion according to the rule of law," and the Xinjiang People's Congress has promulgated comprehensive new religious affairs regulations.² Yet, are these regulations more likely to reduce or heighten ethno-religious tensions in the Uyghur Autonomous Xinjiang Region (XUAR)?

The XUAR Religious Affairs Regulations came into effect on 1 January 2015. Many of the 66 articles comprising the law "clarify the nature of illegal and extreme religious activities." Keeping in line with China's post 9/11 focus on combating the "three evil forces," the new regulations now seek to address the threat of "violent terrorism" in addition to ethnic separatism and religious extremism.³ The regulations also emphasize the importance of preventing individuals and organizations from "coercing" others to radicalize, which reflects an official belief that extremism is on the rise throughout Xinjiang society.

The regulations came into effect following an eventful year, which saw authorities holding numerous high-level meetings as well as announcing dramatic new campaigns, policies, and directives. During the Second Work Forum on Xinjiang, General Secretary that stated Xi Jinping the Chinese Communist "must Partv engage in meticulous religious work, actively guiding the adaption of religion to socialist society and ensuring that religious figures and believers play a positive role in promoting economic development."⁴ The Party pledged to adhere to the basic principles of "upholding that which is legal, suppressing unlawful. that which is containing extremism and resisting its penetration, and striking against crime." The CCP also swore to "safeguard religious harmony, ethnic unity, and social stability; herein lies the well-being of the 22 million people of Xinjiang."⁵ In short, leaders at the work forum made it clear that religion must remain subordinate to and serve the needs of the Party-State.

Moreover, it appears that the Chinese Communist Party is using its new emphasis strengthening established legal on provisions and procedures to replace some government directives with written regulations.⁶ Authorities also seem to have incorporated regulations some local implemented in various parts of Xinjiang

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into this new, region-wide version. One can characterize such efforts as an attempt to further "normalize" and standardize" the management of ethnic and religious affairs. As legal scholar Carl Minzner articulated, however, the Party-State did not embrace concepts constitutional Western of democracy or rule of law during the October 2014 Fourth Plenum. The CCP "continues to promote technocratic legal reforms in China. subject to one-party political control. But it also takes clear steps to redefine the concept of 'rule according to law' by neutering elements it deems dangerous, such as bottom-up participation and autonomous legal forces, in favor of a heavily top-down version, one increasingly being clad in classical Chinese garb."7

Xinjiang People's Congress Deputy Director and Legislative Affairs Committee Director Mingcheng argues that religious Ма problems in Xinjiang are increasingly complex. "The widespread and old regulation, which was passed 20 years ago, just cannot handle new situations, such as the spreading of terrorist or extreme religious materials via the Internet or social media, and using religion to interfere in people's lives." ⁸ What are the most important aspects of these new regulations, and how will they affect how the Chinese Communist Party (CCP) manages religious affairs?

Uyghurs Online

The 2015 Affairs XUAR Religious Regulations provide authorities with broader powers to stifle online dissent. Chinese analysts commonly argue that "hostile anti-China Western forces" seek to control the Internet to promote Western values and subvert socialist ideology: rhetoric regarding Internet freedom is meant simply to deflect attention from the Western goal of undermining political stability, ethnic unity, and economic development in minority regions of China. Beijing has espoused an alternative vision for a "patriotic" nation of bloggers that promote the "China Dream" and eschew corrosive foreign influences.⁹

Government concerns over the dangers of "foreign infiltration" in Xinjiang extend to the ability of radical elements to access and disseminate religious extremist materials and promote separatist ideology online.¹⁰ Mirroring its response to the Hong Kong protests and the 2008 unrest in ethnographic Tibet, the regime blamed the 2009 Urumchi riots not on its own counterproductive domestic policies, but on outside agitators.¹¹ Authorities in Xinjiang subsequently enacted the **XUAR** Informatization Promotion Regulation in 2009. ¹² A Congressional-December Executive Commission on China report describes the regulation as including "provisions against using the Internet to incite ethnic separatism, threaten state security, or spread false information" as well as emphasizing security maintenance.¹³

The regional government subsequently promulgated and began to enforce updated regulations on 24 December 2014, which aim to "strengthen the management of Internet information security." 14 An overarching goal of the regulations is to "crack down on and prevent the use of the Internet to manufacture, copy, disseminate, propagate, or store information relating to violent terrorist and other criminal activities, as well as safeguard national security and social stability."15

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A traditional Uyghur market (Photo credit: Julia Famularo)

The regulations further stipulate that "website operators offering instant communications. online storage or audiovisual sharing services" in Xinjiang "must now register their services or set up servers in the region."¹⁶ Website operators must submit to state rules as well as maintain information security, unless authorities require them to divulge anything. They must not "leak, falsify, or damage" user information or otherwise exploit it for their own gain. Individuals must use their identification cards to register and publish information online, while "organizations must provide licenses to site providers."17 Chinese authorities believe that tightening Internet controls will stem the flow of extremist materials into Xinjiang and help prevent future terrorist attacks.

Many foreign commentators argue that the CCP is fearful of online Uyghur communities that seek to highlight their own unique cultural, linguistic, and religious identity.¹⁸ Authorities believe that such netizens may secretly harbor separatist sentiments.

Beijing has subsequently moved beyond monitoring online activity to a campaign of censoring and shutting down websites that it believes threaten national stability. ¹⁹ Prominent Uyghur economist Ilham Tohti was accused of inciting separatism and sentenced to life in prison for creating an online forum dedicated to exchange between the Chinese and Uyghur communities. ²⁰ Authorities arrested and sentenced seven of his students as well.²¹

Calling 'Offensive Interference' on Religion

What does Beijing mean when it demands that religion must not "interfere in people's lives," and how do authorities actually implement this legal provision in practice? Under Chinese law, the Communist Party possesses the authority to determine which religious activities and organizations are deemed "normal" and which are deemed "abnormal" or "unlawful." While the PRC Constitution as well as State Administration for Religious Affairs (SARA) both protect "normal religious activities," no citizen may



A Comparison of Key Articles of the 2009 XUAR Informationization Promotion Regulations, the 2014 Strengthening Internet Information Security regulations, and the 2015 XUAR Religious <u>Affairs Regulations</u>

The 2009, 2014, and 2015 regulations all possess articles delineating types of prohibited Internet activities. However, the Xi Jinping administration's growing focus on striking hard against the "three evil forces" of ethnic separatism, religious extremism, and violent terrorism are reflected more clearly in the latter regulations.

Article 40 of the 2009 Internet regulations prohibits anyone from "using the Internet to: (1) endanger state security or harm national and social interests; (2) destroy ethnic unity, incite ethnic separatism, or endanger social stability; (3) endanger the safety of the Internet and information systems; (4) violate intellectual property rights, trade secrets, or the lawful rights and interests of individual privacy, citizens, corporations, or other groups; (5) furnish, produce, or disseminate false or harmful information; (6) produce or disseminate information that is obscene, pornographic, violent, terrorist, homicidal, or that instigates crime; and (7) carry out other acts prohibited in laws and regulations."²² Those who engage in the most egregious crimes against the state (the first two types of prohibited conduct) shall face criminal prosecution. Otherwise, they may face fines ranging between 3,000 RMB (approximately \$480 USD) to 30,000 RMB (approximately \$485 USD) for organizations or 200 RMB (approximately \$480 USD) to 3,000 RMB (approximately \$485 USD) for individuals.²³

The 2014 Internet regulations simultaneously strengthen and broaden the language, particularly in regard to matters of state security and combatting the "three evil forces."24 Article 6 seeks to "prohibit Internet information service providers and users from creating, copying, distributing, transmitting, or storing" information to "(1) oppose the basic principles of the constitution or slander the laws and regulations of the constitution; (2) harm the national honor and interests, endanger state security, divulge state secrets, subvert state power, or undermine national unity; promote "jihad" and ethnic separatism, incite ethnic hatred or ethnic discrimination, or undermine ethnic unity; (4) spread religious extremist ideology, undermine national religious policies, or promote cults and feudal superstitions; (5) manufacture or spread rumors, disturb the public order, or undermine social stability; (6) disseminate violent terrorist ideology or violent terrorist audio-visual materials; or spread, manufacture, or use explosives, explosive devices, firearms, control equipment, hazardous materials, and other violent terrorist criminal methods and technical abilities; (7) incite violence to endanger the lives of others as well as public and private property; (8) spread obscene or pornographic [information], gamble, or abet crimes; (9) insult or slander others; or harm the legitimate rights and interests of others; and (9) [carry out other acts] prohibited in laws and regulations."²⁵ Xinjiang Daily, which published the regulations, included no information regarding potential fines for transgressors.

Regarding the possession and dissemination of prohibited religious publications and audio-visual materials, the language contained in the 2015 XUAR Religious Affairs Regulations is not only broader than the other regulations under discussion, but also stipulates higher fines for transgressions. Article 40 prohibits any materials that (1) undermine national unity, social stability, economic development, or scientific and technological progress; (2) incite ethnic hatred, instigate ethnic discrimination, or undermine ethnic unity; (3) promote ethnic separatism, religious extremism, and violent terrorism; (4) affect religious harmony, or cause strife among various religious or internally within a religion; (5) endanger public morality or Chinese culture and tradition; and (6) violating other laws and regulations. Article 41 prohibits any individual from listening to, viewing, storing, possessing, producing, reproducing, and disseminating such materials via the Internet, mobile phones, or other digital platforms. Finally, Article 62 describes the punishments for any transgressions, which include possible fines ranging between 5,000 RMB (approximately \$800 USD) and 30,000 RMB (approximately \$4,850 USD).²⁶



engage in activities that disrupt public order or interfere with the state educational system, for example. ²⁷ Any religious organizations or activities perceived to undermine the interests of Party-State by undermining ethnic unity, national unity, or social stability are forbidden.

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Prohibitions of "Extremist" Attire

For example, Article 38 of the 2015 XUAR Religious Affairs Regulation prohibits individuals from using their "appearance [i.e. grooming]. clothing and personal adornment, symbols, and other markings to whip up religious fanaticism, disseminate religious extremist ideologies, or coerce or force others to wear extremist clothing, religious extremist symbols. or other markings." ²⁸ Article 60 subsequently stipulates that transgressors may face administrative or even criminal punishment, including fines ranging from 3.000 (approximately \$485 USD) RMB to 5,000 RMB (approximately \$800 USD). ²⁹ The regulations do not specify what constitutes "extremist" attire.

There are "five types of people" in Xinjiang that cause Chinese authorities a great deal of anxiety: women wearing veils, *jilbab*, or *hijab*; men who have long beards; or individuals who wear clothing featuring a star and crescent moon (which appear not only on the East Turkestan independence flag, but are also universal symbols of Islam). ³⁰ Although a reference guide originally disseminated in the Chinese media used photographs to depict these various types of "abnormal" attire, there is actually

little agreement on which styles of head and body coverings are acceptable. ³¹ The ambiguity may enable local authorities to decide for themselves—and for their entire communities—which styles constitute "normal" ethnic attire, and which styles manifest "outward expressions of religious extremism."

Nevertheless, recent experience strongly suggests that authorities will continue to crack down upon a wide range of popular Uyghur attire that they associate with extremism. Local officials in cities such as Ghulja and Karamay consequently moved to prohibit violators from entering public spaces and facilities or using public transportation. ³² The Shavar County government pledged to provide financial incentives of up to 50,000 RMB (\$8,000 USD) for citizens providing information on veiled women or bearded men.³³ The local legislature in Turpan announced online in March 2014 that it sought to ban women from covering their faces in public.³⁴ The regulation was patterned on French and Belgian laws.³⁵ Most recently, authorities in Urumgi also moved to ban "extremist" attire.³⁶ The Urumqi regulation, which came into effect on 1 February 2014, authorizes public security officials to punish women wearing types of attire that "mask the face or robe the body in public places." 37 If individuals responsible for managing or supervising public places fail to enforce the regulations, then police may fine them up to 5,000 RMB (\$800 USD).38

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Prohibitions against religious dress, while not actually new, were previously enforced



unevenly through local and provincial directives with no basis in law. For example, "Project Beauty" is a propaganda and mobilization campaign spearheaded by XUAR leaders to "educate" women so that they may "establish [a] healthy, civilized philosophy on life." ³⁹ Authorities subsequently announced a campaign to "standardize" Uyghur clothing as well as



"Strengthen ethnic unity, build a harmonious society" (Photo credit: Julia Famularo)

"allow beautiful hair to float freely [remove headscarves] and expose one's pretty face [remove veils]."40 Xinjiang Academy of Social Sciences Assistant Researcher Turgunjan Tursun defended these government directives, arguing that "Some argue that people should have the freedom to choose their own clothes. But in Xinjiang, your is more than costume. costume а Conservative clothing is often chosen not by personal preference but outside pressure."41 According to scholars James Leibold and Timothy Grose, these regulations are extremely unclear in regards to "the precise styles of head and body covering the rules prohibit. The term used in the [Urumqi] regulations to describe prohibited conduct, mengmian zhaopao-literally, "to mask the face and/or cover the body with a robe"—is vague and imprecise given the wide variety of veiling practices popular in Xiniiang,"42 The regulations also enable authorities to ban any other symbols that they perceive as

"extremist." By automatically associating certain types of attire with extremism, officials fail to recognize the diverse set of motivations driving individuals to dress in a particular manner. Some Uyghurs view the decision to don a hijab or grow a beard as "a of membership in a sign modern. transnational Muslim community," while others perceive them as markers of Uyghur identity.⁴³ There are also Uyghurs who believe that certain forms of religious attire are "imported" from abroad and do not reflect traditional Uyghur cultural norms. Like their brethren around the world, Uvghurs and other Central Asian ethnic groups are actively debating what it means to be Muslim in contemporary Xinjiang.44

Leibold and Grose consequently argue that Chinese policies "risk further straining an already fragile relationship between the Uighur ethnic minority, a predominantly Muslim group for whom Xinjiang is their homeland, and a party machine dominated by the Han [Chinese] ethnic majority and its cultural values." 45 They join the growing chorus of international scholars and experts who have voiced concerns over the ramifications of China's increasingly strict religious regulations in Xinjiang. Rather than implement policies conducive to long-term regional stability, the Chinese crackdown is arguably sowing the seeds of massive discontent and potential unrest.

Resisting Religious Extremism and Illegal Activities

Article 5 of the 2015 XUAR Religious Affairs Regulations exhorts organizations and individuals to resist religious extremism and illegal activities, and includes a passing reference to prohibiting "activities that damage the physical and mental health of citizens." ⁴⁶ In recent years, students, teachers, and government workers have





"Reject Illegal Religious Activities, Safeguard Harmony and Stability in the Religious Sphere" (Photo credit: Julia Famularo)

faced increasingly intense pressure from authorities not to fast, despite the absence of any official written regulations or laws.47 Xinjiang Normal University President Weili Balati reiterated a widely-held official viewpoint when he declared that in order to curb religious extremism and ideological infiltration, authorities must "resolutely prevent" students from activities such as fasting.⁴⁸ Furthermore, the U.S. Department of State 2013 Report on International Religious Freedom in China states that Xinjiang authorities coerced government employees to "sign guarantees they would religious refrain from or political expression."49 Officials could subject anyone who refused to administrative investigation or bar his or her children from attending university.50

These unofficial directives arguably worked to the government's advantage. Even as local authorities sought to curb popular Uyghur attire or Ramadan fasting—albeit in a haphazard and uneven manner, perhaps due to uncertainties as to what actually constitutes "extremist" attire or activitieskey provincial authorities could officially state that there were no laws prohibiting them. Yet, as Beijing focuses more and more energy on its counter-terrorism and "ruling the country according to law" campaigns, central leaders may no longer see such unofficial directives as sustainable or even necessary.⁵¹ They may also view previous practices as creating unnecessary tensions between local and central party officials and bureaucracies. The CCP thus believes that deteriorating conditions in Xinjiang justify any and all laws aimed at striking hard



against the "three evil forces" of ethnic separatism, religious extremism, and violent terrorism. If "abnormal" and "illegal" religious activities are left unchecked, officials argue thev can eventually undermine national unity and stability.52 The new regulations also reaffirm that religious activities can take place only in registered religious venues. Conducting religious activities in government offices, public schools, businesses, or other institutions is expressly forbidden.⁵³ While this rule is not new, it is now articulated far more explicitly. These provisions make it far easier for the Chinese Communist Party to monitor religious practitioners and control the scope of their activities. If all mosques must submit to government control, if all submit "patriotic" imams must to reeducation and training, and if all Muslims can engage in religious activities only in approved venues, then the Communist Party can more firmly control religious dogma and practice while guarding against threats to state interests.⁵⁴ Regulations such as these cause observers to question who exactly is "interfering in people's lives:" religious practitioners, or the Chinese Communist Party?

The CCP thus believes that deteriorating conditions in Xinjiang justify any and all laws aimed at striking hard against the "three evil forces" of ethnic separatism, religious extremism, and violent terrorism.

Monitoring Minors

XUAR educational authorities argue that their schools are on the front lines of an ideological struggle against separatism, extremism, and terrorism.⁵⁵ The CCP is thus further consolidating its control over religious ideology and practice by enforcing bans on minors participating in religious activities. In recent years, foreign scholars and journalists have documented how Chinese regulations and policies severely curtail students' ability to undergo religious education and practice their faith.⁵⁶

When the XUAR People's Congress promulgated the Implementation Measures of the Law on the Protection of Minors in September 1993, article 14 specified that "parents or guardians may not permit minors participate religious to in activities." 57 Article 30 stated that no "organization or individual can compel a minor to participate in religious activities" "use religion to obstruct minors' or education." 58 The compulsorv XUAR regulation is far more stringent than the national law, which includes no provisions prohibiting minors from participating in religious activities.59

The XUAR People's Congress passed a revised law in December 2010.60 Although the provision banning minors from participating in religious activities was removed, the regulations retained others that grant authorities broad powers and include "obligations for government offices and other entities to intervene in certain cases." 61 Article 34 states that neither organizations nor individuals "may lure or force minors to participate in religious activities" or "use religion to carry out activities to compulsory education."62 The Congressional-Executive Commission on China argues that this vague provision enables authorities to restrict the ability of parents and guardians to provide for their children's religious and moral education, as defined by the International Covenant on Civil and Political Rights.⁶³ Article 48 enables minors "lured" or "forced" into participating in religious activities to "ask for protection from schools, neighborhood committees, village committees, offices for the protection of minors, or public security organs."64 It



adds that "organizations or work units receiving requests for help must take measures in a timely manner and not refuse or shift responsibility."⁶⁵ Article 53 specifies that authorities may subject violators to "criticism and education" as well as administrative punishments and detentions, as specified in the Public Security Administration Punishment Law.⁶⁶

The 2015 XUAR Religious Affairs Regulations concisely combine language from the 1993 and 2010 regulations. Article 37 states that "Minors cannot participate in religious activities. No organization or individual can organize, lure, or compel participate in religious minors to activities." 67 Officials are thus tightening regulations to ensure that religion does not, per Chinese law, "interfere with the educational system of the State."68 Students, just like all other Chinese citizens, must place loyalty to the Party over all else, including any religious beliefs.⁶⁹ The CCP appears to believe that through patriotic education campaigns, classroom instruction, and socialization, it can eventually reduce the influence of religion upon youth and facilitate their gradual assimilation into mainstream Chinese society.

Whither Uyghur Society? The Ultimate Aims of Chinese Religious Regulations in Xinjiang

Although the continuing crackdown on freedom of religion is disturbing in itself, the XUAR Regulations on Religious Affairs are ultimately symptomatic of a far larger problem. In an attempt to restrict civil society and stifle dissent, authorities are using the specter of "ethnic separatism, religious extremism, and violent terrorism" to conflate many traditional, "normal" religious activities with "abnormal" and "illegal" ones. The fact that all but the most serious of transgressions are met with administrative penalties, rather than criminal ones, also suggests that the government is overstating its case regarding the extent to which minor violations "threaten national security."

Yet, fears that overzealous local authorities may criminalize even minor transgressions are not unfounded. In March 2015, the Kashgar People's Court allegedly found a 38year-old man and his wife guilty of "picking quarrels and provoking troubles."70 Despite repeated warnings from authorities to learn from "Project Beauty," the Uyghur "couple turned a dear ear to it" and flouted local regulations against wearing long beards, burgas and face veils in public.⁷¹ The court sentenced the husband to six years in prison. The wife, who penned a confession admitting her crimes, received a lesser sentence of two years in prison.⁷² "The People's Court has given me a chance to begin my life anew," she said. "Once I leave [prison], I will thoroughly rectify my errors."73

The report was but one of a series of articles that Kashgar Special Zone News published on the city's achievements in combatting extremist attire. Local officials stated that the court has already sentenced numerous "outlaws blinded by religious extremism, who wear burgas, veils and grow beards."74 revealed The newspaper that each household was required to sign a "deradicalization" pledge. Authorities also created a "buddy system" to "help" women found wearing extremist attire. Kashgar Special Zone News highlighted the efforts of officials in one local community that not only educated and "converted" over 100 such women, but also persuaded religious men under the age of 50 to shave their beards.⁷⁵

As online media outlets across China began to report on the Kashgar People's Court



verdicts, the State Council Information Office deemed the article too sensitive for publication. Three days after the information first emerged in Kashqar Special Zone News, the reporter was forced to retract his story and apologize. Chinese censors also ensured that the media deleted all references to the article. ⁷⁶ While officials were clearly embarrassed by the publicity the trial received, it does not appear likely that they will abandon efforts to criminalize "extremist" attire.

Chinese authorities are undertaking a longterm campaign to gradually erase the unique cultural differences that separate Turkic minorities from the Chinese majority, with the goal of incorporating them fully into the nation-state. The Chinese Chinese Communist Party is thus concerned by the marked increase in ethno-religious tensions since the 2009 unrest. Beijing has begun to shift its rhetoric and approach to the "Xinjiang problem," even if its ultimate mission remains unchanged. During the [First] Work Forum on Xinjiang in May 2010, the Party focused on creating "leapfrog-style development" to stimulate the local economy.77 Yet, the Second Work Forum on Xinjiang focused far more on the challenges that ethno-religious tensions pose to society. with an ultimate goal of "safeguarding social stability and achieving an enduring peace."78 CCP General Secretary Xi Jinping has exhorted "all ethnic groups to show mutual understanding, respect, tolerance and appreciation, and to learn and help each other, so they are tightly bound together like the seeds of a pomegranate."79 Yet, prior to his arrest. Professor Ilham Tohti wrote: "as a Uighur intellectual, I strongly sense that the great rift of distrust between the Uighur and Han [Chinese] societies is getting worse each especially within day, the vounger generation. Unemployment and discrimination along ethnic lines have

caused widespread animosity. The discord did not explode and dissipate along with the during 5 [2009] incident and Iulv subsequent social interactions. Instead, it has started to build up once again. The situation is getting gradually worse. Yet, fewer and fewer people dare to speak out."80 If Chinese authorities wish to address the "great rift of distrust" that exists between Uvghur and Chinese societies, then it should reconsider how it manages religious policy. While China faces legitimate security concerns in the region, prohibiting normal religious activities is not the appropriate solution. Severely curbing religious freedom in the name of fighting religious extremism will only increase inter-ethnic tension and enhance the prospects for societal turmoil.



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