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# Civil society, human rights and religious freedom in the People's Republic of China: analysis of CSOs' Universal Periodic Review discourse

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## ABSTRACT

This article examines religious freedom in the People's Republic of China (PRC) using critical frame analysis of state and civil society organisations' (CSOs) policy discourse associated with the United Nations (UN) Universal Periodic Review (UPR). The findings show how indigenous Chinese CSOs' input to the UPR is limited. Their voice is muted, some merely mirror the rhetoric of the ruling Chinese Communist Party (CCP). In contrast, international CSOs are highly critical of what they see as state failure to uphold religious freedom. The analysis reveals a significant disjuncture between the policy discourse of international CSOs and the CCP. The former's discourse is framed in terms of: denial of rights, imprisonment, legal failings, (re-)education, torture, and persecution. In the absence of enforcement mechanisms, CCP input to the UPR can be seen as part of a process of legitimation and performativity; allowing the ruling elite to afford primacy to what it dubs 'a framework of socialism with Chinese characteristics' at the expense of religious freedoms.

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## Introduction

Notwithstanding its status as a fundamental human right,<sup>1</sup> the global rise of extremism and associated threats has made the issue of religious freedom a key international issue. In response, scholarly enquiry has underlined the centrality of regime type to religious freedoms.<sup>2</sup> This study addresses a lacuna by exploring religious freedom issues from a civil society perspective in relation to the People's Republic of China (PRC). The PRC is a propitious research context because of international concerns over religious suppression<sup>3</sup> and, the proscription of quasi-religions,<sup>4</sup> such as Falun Gong (FLG).<sup>5</sup> Such developments have thrown religious freedom issues into sharp relief.

Yet, according to the ruling Chinese Communist Party (CCP) elite, external criticism is ill-founded. It asserts, it 'safeguards its citizens' freedom of religious belief, protects normal religious activities, defends the lawful rights and interests of religious communities, and assists them in resolving substantive difficulties'.<sup>6</sup> Now is therefore a timely juncture to

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examine such matters; thereby addressing a key knowledge gap for, as Fenggang Yang's seminal study notes:

so far most of the scholarly attention to religious freedom in China has been on the formal regulations and CCP policies ... the least studied area is the actual practice and defense of religious freedom by religious communities and civic organizations in civil society.<sup>7</sup>

'Civil society' here is defined as associational activities involving the family, non-governmental organisations, pressure groups, charities, community groups, social movements and campaigning organisations.<sup>8</sup> These may operate within national boundaries. Yet, over recent decades, a burgeoning literature has delineated the emergence of 'global civil society'. This (albeit contested) term denotes how, in various ways and forms, civil society organisations (CSOs) increasingly, operate across national boundaries. As Helmut Anheier and Nuno Themudo note: they are organisationally diverse and 'range from large-scale charities with hundreds of staff to transnational volunteer-run networks with no real expenditures at all ...'.<sup>9</sup> In all its forms, civil society is an appropriate locus of enquiry in a number of regards. Foremost, it is the social arena in which associative life is shaped by norms, practices and beliefs attached to faith. This influences social cohesion and citizen trust in government,<sup>10</sup> thereby shaping governmentality, political stability and public administration,<sup>11</sup> as well as economic and social development.<sup>12</sup> It also affects the extent to which international norms are embedded in local practices,<sup>13</sup> and the provision of community support and services.<sup>14</sup> This in turn links to wider themes. Notably, the nature of governance in China and how it is shaped by the interplay of international and domestic forces,<sup>15</sup> as well as the nexus between democratisation and development.<sup>16</sup>

To explore CSOs' views on religious freedom in the PRC this study employs critical discourse analysis. It is a methodology that is supported by diverse strands of social theory including the interpretive school of policy analysis<sup>17</sup> and the literature on social constructivism.<sup>18</sup> Both place emphasis on language in order to reveal policy actors' beliefs, values, interpretations and knowledge relevant to addressing a given policy issue.<sup>19</sup> The discourse analysis has two components 'framing' and 'issue salience'. The former derives from Goffman and refers to a 'schemata of interpretation'.<sup>20</sup> Frames 'render events or occurrences meaningful, [they] function to organise experience and guide action, whether individual or collective'.<sup>21</sup> Thus, framing is central to understanding rights and freedoms involving multiple actors working across the public and civil spheres. In turn, 'issue-salience' is a technique borrowed from electoral studies<sup>22</sup>; it focuses on the level of attention given to topics and frames amongst competing issues and agendas in political discourse. The data source is CSO reports submitted to successive cycles of the UN's Universal Periodic Review (UPR). In short, this is a five-yearly assessment that incorporates CSOs' submissions on the extent to which governments uphold their human rights obligations; specifically, for the present purposes, those in relation to religious freedom.

Accordingly, the core research aim is to compare and contrast civil society and Chinese government discourse on religious freedom over two cycles of the UPR. The remainder of the article is structured thus: following an overview of the literature on religious freedom and civil society in China, and a summary of the methodology, analysis of state and civil society UPR discourse is presented. The principal findings and their implications are discussed in the conclusion.

## Religious freedom and civil society in China

A full history of state policy on religion in China is out with the present purposes. Yet as Guo and Zhang's leading account details,<sup>23</sup> the period following the Cultural Revolution has been witness to some key changes. Foremost, state policy on religion needs to be seen in the context of the priority the CCP attaches to political stability and the retention of power: 'promoting the unity of all people (believers and non-believers) and their efforts to build a modern socialist country was the Party's basic task; religious differences were relatively secondary'.<sup>24</sup> In consequence, in 1982 'protecting religious freedom' was incorporated into the fourth edition of the constitution. Today, whilst government authorities recognise five major religions (Buddhism, Taoism, Catholicism, Islam, and Protestantism), to varying degrees, some other religious beliefs are tolerated. Indeed, according to the government: 'there are about 5,500 religious groups ... along with nearly a hundred religion-affiliated academic institutions and as many as 140,000 places of religious activity ... Religious clergy number some 360,000, and there are around 100 million believers'.<sup>25</sup>

Historically, the Republic of China was a signatory to the original UN Charter and the UN Universal Declaration of Human Rights. In modern times the successor PRC is a signatory to the International Covenant on Civil and Political Rights (ICCPR) (1998). Under this the PRC is expected to uphold Article 18 (1):

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his [*sic*] choice, and freedom, either individually or in community with others and in public or private, to manifest his [*sic*] religion or belief in worship, observance, practice and teaching.

However, almost two decades on, the PRC has yet to ratify the ICCPR. Despite this failing, the Chinese authorities have ratified other binding UN treaties that include provisions safeguarding religious freedom. A leading example is the UN Convention on the Rights of the Child:

states Parties shall respect the right of the child to freedom of thought, conscience and religion ... [and] shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right (Article 14).

Another is the UN Convention on the Elimination of all Forms of Racial Discrimination.<sup>26</sup> Article 5(d, vii) is unambiguous and asserts 'the right to freedom of thought, conscience and religion'.

However, despite these obligations, as the following analysis affirms, the reality is one of mixed progress. For example, a recent report by the UN concluded that:

notwithstanding the assurances provided by the State party delegation, the Committee remains concerned about reports that members of some minority groups do not fully enjoy freedom of religion ... Taking into account the intersectionality between ethnicity and religion, the Committee recommends that the State party ensure respect for the right of members of all ethnic groups to freely enjoy freedom of religion.<sup>27</sup>

In addition to UN treaties, further safeguards are set out in the constitution. For example, Article 36 provides that 'the State protects *normal* religious activities' (emphasis added). Yet, as with the UN instruments, there are (non-)compliance issues. For example, as Guobin Zhu cogently observes of Article 36, 'what is regarded and defined as

“abnormal” activities? [... it] may be easily subject to subjective and arbitrary interpretation’.<sup>28</sup> This issue of conditionality and interpretation also applies to the National Human Rights Action Plan passed by the State Council in 2012.<sup>29</sup> It re-emphasises the principle of freedom of religious belief (‘China upholds the principle of freedom of religious belief stipulated in the Constitution and strictly implements the Regulations on Religious Affairs to guarantee citizens’ freedom of religious belief’), as well as the goal of ‘protecting normal religious activities according to law’. However, it also includes an opaque clause; namely, that ‘the Action Plan was formulated in line with the following basic principles ... *The principle of pursuing practicality*’. The issue of what is deemed ‘practical’ is not defined.

Against this backdrop, contemporary accounts of religious freedom in China indeed paint a mixed picture. In the case of Christianity and other faiths. There are some positive assessments. For example, Changgang Guo and Fengmei Zhang observe ‘the CCP’s contemporary religious policy is still deeply misunderstood’.<sup>30</sup> Moreover, longitudinal survey data on citizens’ subjective evaluation of political changes found that more than half of respondents reported that they believed freedom of religion had improved.<sup>31</sup>

In contrast, an opposing literature asserts that when religious (and ‘quasi-religious’) organisations are felt to pose a threat to CCP power and stability, oppression and rights denial are a reality. As one account puts it, although the CCP has asserted ‘Christianity [i]s compatible with [it’s] vision of China as a “harmonious society” [it ...] has continued to preach atheism and places restrictions on faith’.<sup>32</sup> Extant work also details how other beliefs are subject to oppression, notably Muslim Uyghurs in Xinjiang.<sup>33</sup> In the case of quasi-religions such as Falun Gong, surveillance, security operations, ‘interrogation and conversion programs in prisons and labor reform institutions’ are widespread.<sup>34</sup> In short, critics argue that the ruling elite has adopted an ‘instrumentalist approach of law-making, [one that] tends to restrict the exercise of religious freedom to serve a political agenda’.<sup>35</sup>

Overall, this burgeoning literature suggests that the PRC is a context in which ‘the process of identification of “evil cult” is rather selective, and mainly based on political considerations’.<sup>36</sup> As one account explains, the ‘severe repression’ of Falun Gong arose because it:

triggered alarm bells within the CCP for two reasons. First, the Party realized that the movement was proving more powerful in undermining the ideology of the state than any organized religion. Secondly, Falun Gong persistently demanded freedom of assembly, which was something the Party could not tolerate.<sup>37</sup>

Overall, in the period since 2005, the PRC has seen the relaxation of some aspects of state regulation of religion. Yet, as Ani Sarkissian’s account explains, state Regulations on Religious Affairs (RRA):

continue to restrict and repress religions in a number of ways: CCP members are still required to declare their atheism ... religious bodies are still required to register with government ... the government may still refuse registration to any group for any reason without justification ... [and] all sites for religious activities must be registered with the government ...<sup>38</sup>

In sum, the literature on religious freedom and civil society in China is a polarised one. One strand points to the language of the constitution and CCP pronouncements, arguing that claims of oppression are overstated. The other provides accounts of widespread

suppression. What is missing is a systematic analysis of civil society's discourse on the issue juxtaposed with that of the ruling elite. Attention now shifts to how the present study addresses that gap.

## Methodology

This study uses critical discourse analysis with an examination of issue salience and policy 'framing'. The latter can be viewed as 'a necessary property of a text – where text is broadly conceived to include discourses, patterned behaviour, and systems of meaning, policy logics, constitutional principles, and deep cultural narratives'.<sup>39</sup> In the present analysis, frames in the UPR texts were coded using an inductive coding schemata based on key frames taken from the UNDHR (including: 'rights/freedoms', 'detention', 'education', 'torture/violence', 'persecution/oppression', and 'discrimination').<sup>40</sup> In addition, the principal frames in the discourse were further analysed to identify tropes. These are crosscutting 'figures of speech and argument that give persuasive power to larger narratives [including frames] of which they are part'.<sup>41</sup>

Frame use was quantified by drawing upon the notion of 'issue-salience'. This measures the level of attention to a given topic or frame amongst competing issues and agendas in the discourse. It is determined by content analysis, or the frequency of key words, ideas or meanings in policy documents.<sup>42</sup> This was done by adapting a procedure derived from electoral studies, whereby texts are divided into 'quasi-sentences' (or, 'an argument which is the verbal expression of one political idea or issue'. To operationalize, the mixed methodology electronic versions of the UPR submission documents were analysed in relation to discourse on religious freedoms using appropriate software.<sup>43</sup> To increase reliability the coding was repeated by a research assistant. This revealed a limited number of discrepancies. In total, seven incidences were identified (under 1%) these were resolved through discussion between coders.

As noted, the data source was the CSO reports and Chinese government submissions to the first and second cycle UPRs in 2009 and 2013. A total of 112 CSO reports were analysed. The extant literature distinguishes between indigenous, 'grassroots' CSOs and international CSOs ('global civil society'). A recent study offered an assessment of the challenges facing indigenous CSOs in China (here termed NGOs – or 'non-governmental organisations'), 'Grassroots NGOs survive only insofar as they refrain from democratic claims-making and address social needs that might fuel grievances against the state ...'<sup>44</sup> Crucially, CSOs concerned with the issue of human rights and religious freedom fall outside the foregoing notion of 'contingent symbiosis', for they are largely concerned with criticality and challenging state practices.

In response, the present research design controls for CSO type. The working hypothesis here is that, compared to CSOs based outside mainland China, 'indigenous' CSOs are potentially more constrained and less critical in their submissions for fear of state reprisals. Accordingly, the dataset was divided into two categories: 'indigenous CSOs' (37) and international CSOs (75). Members of the former category were identified by the postal addresses given in the UPR submission (or, in a minority of instances where this was absent, by an internet search of organisational details linked to the CSO name). The second sub-set of international CSOs was a diverse grouping who were headquartered in another jurisdiction.<sup>45</sup>

## State UPR discourse on the right to freedom of religious belief

In its national reports submitted to the UPR in 2009 and 2013, the government of the PRC's discourse on religious freedoms is mainly descriptive in character, offering little more than a basic recitation of legal and constitutional instruments. Problems and challenges are unacknowledged. For example:

The Constitution expressly provides that citizens enjoy freedom to believe or not to believe in any religion. No State organ, organization or individual may force citizens to believe or not to believe in any religion, nor may they discriminate against citizens who believe or do not believe in any religion.<sup>46</sup>

The discourse also includes basic statistics, (for example, 'the number of Muslims professing the Islamic faith has increased from 18 million in 1997 to 21 million', etc.); as well as examples of state funding for religious organisations (for example, 'beginning in 2009, the funds provided by the Chinese Government to religious communities for the maintenance and repair of temples and other places of worship were increased to 20 million yuan, and again in 2011 to 30 million yuan').<sup>47</sup>

The most important passage is contained in the 2013 UPR submission. It sets out the ruling CCP's position on religious freedoms:

The Chinese Government is working to explore paths for human rights development, establishing a robust system of human rights safeguards, and continuously enriching the theory of human rights, all within the framework of socialism with Chinese characteristics ... It coordinates and promotes the safeguarding of civil, political, social, and cultural rights as well as the rights of special groups ... to ensure that every citizen enjoys a life of ever-greater dignity, freedom and well-being.<sup>48</sup>

In conceptual terms, this is significant for it signals cultural relativism (or, the need to adapt the UNDHR to the different cultures applying in different states). This is evident in the telling phrase 'within the framework of socialism with Chinese characteristics'. Thus, the state discourse is unambiguous. It confirms that rights implementation in the PRC is to be qualified. It will be on the CCP's terms.

There is also evidence of dissembling in the state reports. For example,

all normal religious duties performed by the clergy, such as the normal religious activities carried out in places of worship or believers' homes in accordance with religious custom, are regulated by religious organizations and the believers themselves; these activities are protected by law and may not be interfered with by any person.<sup>49</sup>

Here, the state discourse is again qualified by undefined terms. In this case, 'normal' religious activities. Also absent is any reference to the Regulations on Religious Affairs, the requirement for CCP members to declare atheism, religious bodies to register with the government, government's right to refuse registration for any reason, and the requirement that all sites for religious activities must be registered with the government.

The state reports also contain annexes for the Special Administrative Regions of Macao and Hong Kong. Strikingly, these contain no specific reference to religious freedoms. Instead, the language is generalised. It alludes to 'minorities' and 'fostering in the community a culture of mutual understanding, tolerance and respect'.<sup>50</sup> On the religious freedoms of ethnic minorities, the state discourse is often directly at odds with extant scholarly analysis, as well as UN reports. For example, in its first-cycle UPR report, the ruling

CCP elite stated, ‘China safeguards the right of ethnic minorities to use and develop their own spoken and written languages, endeavours to protect their cultures and respects their customs, habits and religious beliefs’.<sup>51</sup> Yet analysis of the situation in Xinjiang reveals that, in addition to Uyghur language tuition being outlawed in universities, it is increasingly uncommon in secondary and primary schools. In turn, as a leading scholarly account notes, such practices are fuelling ‘a feeling of victim-hood created by domestic Chinese oppression (and repression), combined with an empathy for similarly “oppressed” peoples in the Middle East’.<sup>52</sup>

In the case of Tibet, the Chinese government discourse is also instrumental in nature. It alludes to compliance with the UNDHR. It refers to,

fully respecting freedom of religious belief in ethnic regions in Tibet, the manner of succession of the reincarnated Living Buddha is fully respected, and traditional religious activities proceed normally ... Tibetan cultural customs and practices continue to be handed down and protected.<sup>53</sup>

This contrasts with a raft of academic studies. For example:

the Tibetans and the Uyghurs, experience severe limitations when they want to practice their traditional religion. ... The intense fear of the Chinese Communist Party (CCP) of a possible link between religion and ethnic separatism has put many restraints on the constitutional guarantees of the right to freedom of religious belief in Tibet and Xinjiang.<sup>54</sup>

The state discourse is also at odds with academic analysis of succession issues. Here, as Adrien Frossard cogently observes: ‘the most likely succession scenario is one of protracted fight for legitimacy ... the possibility of an agreement between the exiles and the Chinese authorities on this matter is ruled out’.<sup>55</sup>

Two conceptual strands help explain the Chinese state UPR discourse. The first, instrumentalism, draws on the philosophy of John Dewey,<sup>56</sup> and privileges ideas and language as instruments of action. Their worth is gauged by their usefulness to a given end. It is an approach that emphasises pragmatism, practical purpose and adjustment.<sup>57</sup> Applied to the present case, China’s discourse is instrumental in the sense that it seeks to affirm current practice in the PRC as consistent with the countries’ obligations under UN rights instruments in order to satisfy the administrative requirements of the UPR; whether or not this is actually the case. In doing this, the discourse presents an example of institutional decoupling. In other words, the situation whereby state elites espouse one thing but do another. This results in contradiction, inconsistency and a gap between policy rhetoric and delivery.<sup>58</sup>

## **Civil society organisations’ UPR discourse on right to freedom of religious belief**

### **(A). Indigenous CSOs**

UPR submissions from indigenous CSOs constitute under a third (31%) of the total of 112 reports studied. They were analysed separately in line with the working hypothesis that CCP constraints would undermine and limit their criticality, resulting in contrasts in the framing and issue salience (compared to international CSOs). Recent insightful work by Taco Brandsen and Ruth Simsanon describes the prevailing context:

non-profit organizations [CSOs] also face criticism as they operate in closer relationships with the state than would be common for their Western counterparts, within narrow limits defined by the state that tend to restrict dissenting voices ... Civic engagement is encouraged in order to maintain regime stability rather than to increase participation.<sup>59</sup>

In a similar vein, Zhang Yuanfeng's penetrating account also alludes to how the Chinese state is 'seeking to retain a degree of control over non-profit operations ... in the highly constrained atmosphere of th[e] biggest remaining socialist country'.<sup>60</sup>

The impact of this distinctive context is reflected in the indigenous CSOs' discourse which is revealed to be qualitatively different to that of international CSOs. Accordingly, as the following textual analysis confirms, the working hypothesis is proven. The circumscribed nature of civil society-state relations is evident in the fact that only five of the indigenous CSO reports make direct reference to issues of religious freedom in the UPR submissions. Of the latter, the discourse is largely uncritical and supportive of the status quo. This is in stark contrast to the excoriating criticism in the discourse of international CSOs (see below). Discourse analysis reveals that the indigenous CSOs' discourse often emulates CCP rhetoric. For example:

It is the best time now for China to implement the right to freedom of religious belief set forth by the Constitution and the relevant religious policies formulated by the Chinese government ... In general, it is an obvious fact that all religious groups, religious believers and nonbelievers get along well with each other, understand and forgive each other. With progress of its modernization, pluralism of its economic structure and diversification of its spiritual culture, China has provided more loose space for the development of various religions' cultures.<sup>61</sup>

Weighed against the graphic accounts of suppression and violence, the 'indigenous' discourse provides a striking contrast. For example,

various religions, religious sects and believers and non-believers in Tibet respect each other and live in harmony. The monks have established committees of democratic management through democratic elections to exercise independent management of religious affairs and arrange religious activities ... This fully demonstrates that believers and laymen alike in Tibet have truly gained religious freedom and basic human rights.<sup>62</sup>

There is limited evidence of 'indigenous' CSO criticality. Where it exists it is often muted in tone. For example,

In some occasion [sic] the local governments and officials may hurt the feelings of religious followers and infringe on their legitimate rights and interests when formulating and implementing laws and policies [we ...] suggest that the government should pay more attention to the spiritual demand[s] of various groups of people during the period of social transformation ...<sup>63</sup>

Isolated references are made to 'Chinese government security monitoring and controlling of ... religious cult members'.<sup>64</sup> These though are the exception and examples of CSO criticism of CCP policies are rare.

## **(B). International CSOs**

In contrast, as the following analysis reveals, international CSOs' UPR submissions are caustic in their criticism of what they view as CCP suppression of religious freedom. When the discourse in the submissions is disaggregated by frame there is consistency in the lead frames across both UPR cycles (Table 1). In other words, the same three

**Table 1.** Breakdown of framing in state and civil society organisations' discourse – with example text (*N* = 381).

FRAME	STATE %	CSO %	STATE EXAMPLE TEXT	CSO EXAMPLE TEXT
LGBT rights (generic)	0.0	28.4	–	'Despite the constitutional prohibition on discrimination, the work of civil society organisations working to protect the rights of sexual minorities remains particularly imperilled in Russia' ('Golos' Association for Voters' Rights, 2012, 4).
(anti)-Discrimination	13.0	18.5	'Russian law prohibits restrictions of any kind on citizens' rights on the basis of social, racial, sexual, ethnic, linguistic, religious or any other affiliation; it is thus impossible for a policy of discrimination against individual groups of citizens to emerge. There are administrative and criminal penalties for discrimination' (19, para. 175).	'Administrative bodies refuse to warrant official permits for LGBT-related events justifying their decisions by discriminatory judgments' (Russian LGBT Network, 2012, 5).
Hate crimes/ 'homo'-phobic bullying/ violence	0.0	11.0	–	'Often law-enforcement officers resort to unwarranted violence in the absence of any threats to public order on the part of the protesters. General violence and violent detentions often extend to the journalists covering the event and human rights observers' (Centre for the Development of Democracy and Human Rights et al., 2013, 3).
Fundamental freedoms/of opinion and expression	41.3	15.2	'The Constitution guarantees every citizen freedom of speech. No one may be forced to express or renounce his or her opinions and convictions. Everyone has the right freely to seek, obtain, transfer, produce and disseminate information by any legitimate means' (14, para. 124).	'The Russian LGBT Network stated that local media had stopped covering its activities because they were afraid of being sued. In many cases, owners of local media would not be in a position to pay fines if found guilty of violating the law' (ILGA-Europe, 2012, 2).
Identity	0.0	7.2	–	Russian authorities deny the existence of the problem with discrimination on grounds of sexual orientation and gender identity and take no measures to combat homophobia in the society and prevent hate crimes on grounds of sexual orientation and gender identity' (Center for Social and Labor Rights et al., 2012, 3).
Morality/values	0.0	6.9	'Preserving ... traditional ways of life and values, by using targeted support from the State' (20, para. 187).	'These violations are manifested in refusals of registration not only on formal grounds but also using the arguments of morality, traditional family values, etc.' ('Perspektiva' Regional NGO of Persons with Disabilities, LGBT Network, 2012, 6).
Freedom of assembly	13.0	6.6	'Under article 30 of the Constitution, everyone has the right to associate, including the right to form trade unions for the protection of their interests. Voluntary associations are	'Such laws run counter to everyone's right to freedom of expression as well as the closely related rights to freedom of association and to peaceful assembly. They are simply

*(Continued)*

**Table 1.** Continued.

FRAME	STATE %	CSO %	STATE EXAMPLE TEXT	CSO EXAMPLE TEXT
Health	4.3	3.0	guaranteed freedom to act' (15, para. 139). Work is now in progress [to ... ] improve levels of health care and education' (20, para. 189).	not legitimate restrictions under international law' (ILGA-Europe, 2012, 7). 'The problem with provision of access to specialized medical care for transgender people does not receive proper attention of public health administration authorities' (Lgbtnet, 2012, 4).
Equality in workplace/ labour market	10.9	2.1	'The Russian Federation is based on the principle that the peoples of the Federation enjoy equal rights' (19, para. 177).	'39.7% (356 persons) experienced difficulties at their work in connection with their sexual orientation ... ' (Russian LGBT Network, 2012, 5).
Equality in housing, education and social welfare	17.4	1.2	'The most important pointers followed in designing and carrying out national strategy for social security and improving the welfare of the population are the International Covenant on Economic, Social and Cultural Rights and the United Nations Millennium Declaration. By the end of 2011 ... the State was fully assuming all its social obligations' (16, para. 151).	'Prohibiting the dissemination of any information on sexual diversity. This would curtail the activities of organisations that provide information and counselling on sexual and reproductive health, including prevention of sexually transmittable infections' (Institute for Human Rights, 'Social Partnership' Foundation, 2012, 7).

frames gain most attention in both the 2009 and 2013 CSO reports. This is significant because it shows the endurance of key rights issues, indicates limited progress and reflects continuing CSO dissatisfaction. Accordingly, the lead frame is 'denial of rights/freedoms' which accounts for just under a third of quasi-sentences overall (31.5%). The second is 'imprisonment/detention/detainment'; this accounts for just under a fifth of all references (19.2%). The third is 'shortcomings in legal matters' (11.2%). The nature of the discourse in relation to specific frames is now considered.

The lead frame is 'denial of rights'. Reflecting what the CSOs view as a deepening problem, it is subject to increased attention over the first and second UPR cycles (rising from 27.9% to 35.5% of quasi-sentences). Textual analysis shows CSOs' awareness of institutional decoupling – (or the gap between state rhetoric and reality), and how the primacy of the CCP's socialist vision and desire to retain power shapes policy and practice. For example:

Despite its official policy of respect for the freedom of religion, China's overarching concern is ensuring the adaption of religion in order to 'safeguard the security, honour and interests of the motherland',<sup>65</sup> a requirement which renders the freedom of religion illusory. China requires that religious belief is practised in a way that accepts the leadership of the Party above all else.<sup>66</sup>

The perceived denial of rights to 'unofficial' religious groups and ethnic minorities is also highlighted repeatedly. For example, one CSO describes, 'ongoing crackdowns against ethnic minorities, members of non-state-sanctioned religious groups, petitioners and human rights defenders [... these] violate fundamental rights to life, liberty and security of the person'.<sup>67</sup> The civil society discourse also emphasises the scale and intensity of what is viewed as state-sponsored religious rights-denial. For example, one employs the

powerful language of the UN charter itself: ‘the PRC government’s severe and extensive violations against Falun Gong practitioners are precisely what the Universal Declaration of Human Rights (UDHR) calls “barbarous acts which have outraged the conscience of mankind”’.<sup>68</sup> It continues, ‘such acts go against the letter and spirit of the UN Charter, and violate every article of the UDHR and all international human rights treaties’.<sup>69</sup> Even for officially recognised faiths, some CSOs paint a picture of repression. For example, ‘the Chinese authorities have imposed political and religious policies that that have been against the principles and practices of the Catholic faith, and they have gravely violated human rights ...’<sup>70</sup>

Over the first and second UPR cycles there is also increased attention to the second frame, ‘detention/imprisonment’ (rising from 17.8% to 20.8% of quasi-sentences). The CSO discourse emphasises that detention and imprisonment are not exceptional, but widespread phenomena. One CSO sought to quantify its prevalence:

the Chinese Government regularly arrests and imprisons religious adherents who, in turn, claim that such arrests were based on their religious practices ... According to the Law Year-book of China, 8,224 cases of disturbing the social order or cheating by the use of superstition were filed.<sup>71</sup>

Others underlined the impact of detention on individual faiths. For example: ‘China’s human rights record is one of the worst in the world ... there are more Christians in prison in China than any other country in the world. The only legal churches are those strictly controlled by the government’.<sup>72</sup> However, it is the detention of Falun Gong followers that receives most attention in the UPR submissions. For example, ‘reflecting a continued [state] commitment to wipe out the practice, the CCP launches regular, nationwide efforts to eradicate FLG through propaganda, imprisonment, torture, and forced conversion’.<sup>73</sup>

Notably, CSOs underline how domestic law (inter alia, security laws and, failure to register religious groups) are used as a pretext for detention. For example, one CSO noted, ‘China has used the Criminal Law ... to justify holding prisoners under house arrest or in undisclosed locations even after they have completed their sentence’.<sup>74</sup> The discourse also details CSOs’ concern that detention not only affects individuals directly, but also those that represent them in law. For example, one cited the case of a lawyer ‘known for his work in defence of Falun Gong practitioners and religious rights ... detained for almost two months. His whereabouts are unclear’.<sup>75</sup> A further core trope is the situation in PRC-administered Tibet. For example, one CSO argued that,

monks and nuns make up approximately 58 per cent of the political prisoner population ... [Adding that ...] 824 Tibetan political or religious prisoners [are] believed to be currently detained or imprisoned. Of these 824 Tibetans, 479 are monks, nuns, or reincarnate lamas.<sup>76</sup>

The third frame, ‘shortcomings in legal matters’, is also subject to increased attention over the first and second UPR cycles (rising from 9.1% to 13.4% of references). A core strand of the discourse is CSOs’ view that legal and constitutional guarantees of religious freedom are not being upheld. For example, one asserted that ‘religious freedom abuses in China ... primarily result from the government’s failure to enforce religious freedom guarantees and the prevalence of religiously motivated violence ... the Chinese government continues to perpetrate religious abuses on a variety of religious groups’.<sup>77</sup> The state’s failure to ratify the International Covenant on Civil and Political Rights (ICCPR) is also

subject to repeated criticism. For example, one CSO argued that the absence of ratification ‘should not stop China from protecting and preventing any possible violation of human rights, [yet ...] unlawful practice by the court is a common phenomenon’.<sup>78</sup> Other CSOs highlighted a paradox whereby, they argued, the contemporary prevalence of religious persecution was itself a barrier to ICCPR ratification. One observed, it ‘would also be impeded by the continued widespread criminal prosecutions of individuals for exercising their rights to free expression, association and assembly, [and] to freedom of religion and belief’.<sup>79</sup>

Further core tropes under the ‘legal matters’ frame include arbitrary procedures and the absence of due process. For example, one CSO referred to how ‘the ability to practice and express religious faith is hindered by inconsistent local enforcement of the laws [on religious freedom]’.<sup>80</sup> Another alluded to how some members of religious groups are ‘not prosecuted under the criminal justice system ... essential procedural safeguards must be upheld: laws should not be used to punish people on the basis of their “anti-social” behaviour as assessed by non-judicial bodies’.<sup>81</sup>

Attention to the fourth frame ‘(re-)education’ declined slightly over the UPR cycles (from 9.1% to 5.8% of quasi-sentences). The frame has two related strands: ‘regular’ education (formal and informal, comprising schooling as well as higher education); and *re-education*. The latter is a punitive, corrective process instigated by the state and intended to make individuals revise their attitudes and beliefs to be compliant with CCP mores. The CSO discourse recounts how the latter practice also applies to lawyers defending individuals falling foul of the governing authorities. As one CSO notes, ‘the Re-education through Labour system has been used to facilitate the incarceration of ... human rights defenders, and individuals who practice their religion outside official channels’.<sup>82</sup>

Again, the UPR discourse underlines the particular patterns and processes of alleged repression in Tibet. For example:

patriotic re-education (PRE), a compulsory programme, which aims to quash loyalty to the Dalai Lama and Tibetan nationalist feelings ... It seeks to change fundamental elements of thought, conscience and religious belief. Historically, patriotic re-education campaigns were aimed at monasteries and nunneries, but it has been extended to schools, institutions of higher education and locations of protest since 2008.<sup>83</sup>

A further core trope is re-education of Falun Gong followers. For example: ‘the authorities operate hundreds of “Legal Education Training Centres” across the country, often referred to as “brainwashing centres”, designed specifically for the “transformation” of Falun Gong practitioners, where they are coerced into renouncing their beliefs’.<sup>84</sup>

The ‘torture/beatings’ frame has been subject to increased CSO attention over the two UPR cycles (from 6.1% to 7.0% of references). Such discourse is extensive and applied to a range of religious groups, including state-recognised faiths. For example, one CSO alluded to the fact that, in its view, ‘urgent human rights concerns in the PRC include ... forced confessions and torture in the justice system ... persecution of religious believers who refuse to join state-controlled churches’.<sup>85</sup> However, Falun Gong followers are the most prominent group identified as being at risk of such practices. For example, one CSO referred graphically to how ‘practitioners arrested have suffered several forms of torture, including beatings, electric baton shocks, hanging for hours to days, deprivation of sleep for days ...’<sup>86</sup> In a similar vein, another alluded to the fact that

the use of torture against FLG practitioners in China remains widespread and systematic. Reports ... continue to be received from contacts in China on a daily basis. Torture is used primarily for the purpose of forced religious conversion, as well as to extract information on the whereabouts and activities of other individuals.<sup>87</sup>

A further strand under this frame concerned what CSOs viewed as the obvious ‘disconnect’ between treaty obligations and contemporary practice. Notably, one underlined how, China’s active seeking of a reservation from the UN Convention against Torture has allowed the violent practice to endure:

political activists, religious minorities, and women continue to be subjects of torture and other persecution ... China ratified the Convention against Torture on 4th October 1988, [but] with a reservation to Article 20. Under this reservation the Chinese Government does not authorize the Committee against Torture to investigate allegations of torture in China.<sup>88</sup>

In the case of the sixth frame, ‘persecution/oppression’, the discourse paints a worrying picture. One CSO observed, ‘the Chinese authorities continue to criminally punish and to use illegal, arbitrary and violent methods to intimidate and persecute individuals for the peaceful exercise of their ... right to freedom of expression, religion, belief, association and assembly’.<sup>89</sup> Others alluded to the way that state officials clamp down on unregistered groups including quasi-religions or cults: ‘the need for national security is being used as a pretext for religious persecution ...’<sup>90</sup> The comments of CSOs also underline the lack of enforcement of policy of the UN rights framework. For example, expressing frustration over the absence of progress since the First Cycle, one opined, the ‘Chinese government persecutes religious practitioners and political dissidents ... in 2009, the first UPR cycle reviewed China ... However, [named cases] have lasted for 14 years, the persecution still occurs constantly’.<sup>91</sup>

CSOs’ negative assessment of the denial of religious freedom in the PRC is evident in their discourse under the state ‘control/restriction’ frame. As one CSO complained,

China only allows groups registered with the government ... to legally hold worship services. [Some ...] religious groups are not permitted to register as legal entities, while some [other] religious and spiritual groups are outlawed completely. Proselytizing in public or unregistered places of worship is forbidden.<sup>92</sup>

Thus, the discourse describes a societal context in which ‘unregistered religious groups face intense pressure to register, and suffer severe consequences if they refuse’.<sup>93</sup> State monitoring is widespread and systemic in nature; as the following example reveals: ‘the laws stipulate that new religious centres may only be developed with state permission through a registration process. This process allows the state to monitor religious activities ... Such state-led intervention is contradictory to an atmosphere of religious freedom’.<sup>94</sup> Others contend that, far from liberalising the situation, the 2005 Regulations on Religious Affairs have

allowed the state to tighten some aspects of its control over religion, despite official claims to the contrary. It allows for local officials to arbitrarily arrest believers, close places of worship, and place restrictions on the movement and action of clergy.<sup>95</sup>

The plight of ethnic groups has gained increasing attention over UPR cycles. The CSO submissions set out why, in their view, minorities are subject to religious oppression. For

example, one lamented that, ‘the Government’s ... identification of Tibetans, Uyghurs, and Mongols’ assertions of cultural, religious, or ethnic identity, as separatist or splittist, compounds the discrimination against, and disenfranchisement of, these ethnic groups’.<sup>96</sup> The UPR discourse describes numerous cases of oppression, as typified by these examples: ‘a Uyghur and Christian house church leader, was arrested and his family was told it was a “national security issue” [... whilst] another house church leader in Xinjiang was detained, this time for “inciting separatism”’.<sup>97</sup>

In turn, China’s management of Tibet is founded on the CCP’s position that, owing to its link to the Dalai Lama, religious belief is antagonistic to both socialism and the Chinese state. It is a view captured in the discourse of several CSOs. For example, one noted that: ‘in Tibetan areas, the government has responded to a string of 101 self-immolations protesting repressive policies since February 2009 with increased restrictions on movements, communication, expression and religion’.<sup>98</sup> Moreover, the CSOs highlighted the continuing and deepening nature of the problem: ‘there is clear evidence ... that there is a direct correlation between the self-immolations and unrest in Tibet and an intensified campaign against the Dalai Lama combined with the expansion of legal measures tightening state control over Tibetan religion’.<sup>99</sup>

The civil society discourse also highlights legal measures taken by the Chinese state that directly contradict the account it gave in its submission to the UPR about religious succession (see above). For example, one CSO noted that the,

‘[Tibetan Autonomous Region] TAR Measures for Implementation of the Regulations on Religious Affairs’ was passed, placing the responsibility for picking and educating all future Panchen lamas ... in the hands of the government. This effectively gives them control over the future leadership of the religion.<sup>100</sup>

Somewhat forlornly, the CSO discourse also appeals for a stronger monitoring role for the UN. For example,

Area of Concern: Compliance with United Nations Human Rights Mechanisms. China must meet agreements for other [UN] Special Rapporteurs to visit, including the Special Rapporteur on Religious Freedom, and accept that such visits must include Tibet as an area of specific concern.<sup>101</sup>

The case of Tibet also illustrates CSOs’ use of the next frame: ‘protest’. Thus, for example, one observed that, ‘sweeping new measures [have been] introduced ... to purge monasteries of monks and restrict religious practice in the wake of protests across the plateau [... such developments] reveal a systematic new attack on Tibetan Buddhism that is reminiscent of the Cultural Revolution’.<sup>102</sup> Another recounted that: ‘the government, deploying large numbers of security forces, did not distinguish between violent and peaceful demonstrators, and [...] accused the Dalai Lama of being behind the protests’.<sup>103</sup>

Article 7 of the UNCHR proscribes ‘discrimination’. CSO submissions over both UPR cycles are framed in a way that highlights the widespread and intersectional nature of faith-related discrimination in the PRC. ‘Intersectionality’ here refers to the need for more sophisticated policy responses that deal with discrimination stemming from the intersection between multiple, simultaneous protected characteristics (for example, gender and faith, ethnicity and faith, etc.).<sup>104</sup> Notwithstanding its pervasive nature,

there is no mention of it in Chinese government UPR reports. In contrast, it receives extensive attention in the civil society discourse. One strand concentrates on discrimination in the workplace and public sphere. For example,

discrimination is also present in Xinjiang's administrative and business employment sector, in which the 'distinctive' religious, dietary, and linguistic characteristics of Muslims are used as a pretext to deny them access to positions of responsibility on the grounds that the employing unit is 'inadequately equipped' to meet their special needs.<sup>105</sup>

The intersectionality of gender, religious belief and ethnicity are also prominent tropes. For example, 'Tibetan women live under severe restrictions to their political, religious, reproductive, and social freedoms. There is a severe lack of fundamental human rights, despite the establishment of the Beijing Platform for Action (BPfA) in 1995'.<sup>106</sup>

As with the other frames, the discourse underlines CSOs' deep-felt frustration at the lack of progress between UPR cycles. For example,

China's Promotion of Religious Discrimination ... The 2009 UPR expressed concern that 'Chinese officials continue to repress religious activities considered to be outside the State-controlled religious system'. This concern is prominent throughout the ... 2009 UPR ... However, the Working Group did not address China's religious repression in any of its forty-two recommendations.<sup>107</sup>

The discourse under the '(freedom of) movement/assembly' frame details CSOs' views on the Chinese state's use of restrictions on believers' mobility as a form of control and religious oppression. The diverse accounts illustrate how this applies across religious groups. For example, 'prominent church leaders of a main house church in Gansu Province remain detained after Chinese security forces raided a worship service ... apparently on charges of "gathering in an illegal assembly under the guise of religion"'.<sup>108</sup> In the case of followers of Islam, 'the Chinese government has instituted controls over ... what version of the Koran and other religious texts may be used, where religious gatherings may be held, and what may be said on religious occasions'.<sup>109</sup>

A final strand of the discourse details CSO views on state surveillance of religious group members. The widespread nature of the practice is a core trope in the discourse. For example, one UPR submission refers to how 'FLG practitioners throughout China continue to be subjected to systematic surveillance of their movements, arbitrary searches of their homes, and monitoring of private communications'.<sup>110</sup> Accounts also detail how associates of individual believers are targeted by the authorities. For example, one account recalls the treatment of a human rights lawyer, stating that since 'he sent out three open letters to President Hu Jintao and Premier Wen Jiabao in 2005 demanding the government stop oppressing liberal religious believers ... His family has been under severe surveillance'.<sup>111</sup> The discourse also details how state surveillance extends to new media. For example, one CSO recounted how 'several internet platforms were set up ... but were closed one by one ... online links are being kept under surveillance: the information [sic] filtered, messages deleted, online chat and blogs blocked'.<sup>112</sup>

## Discussion

The foregoing makes an original contribution in two respects: (1) by showing how indigenous Chinese CSOs' input to the UPR is limited. Inter alia, their voice is muted and

some merely mirror the rhetoric of the ruling CCP. (2) Revealing that, in contrast, international CSOs are highly critical of what they see as state failure to uphold religious freedom. The lead frames in their UPR discourse include: denial of rights, imprisonment, legal failings, (re-)education, torture, and persecution. Whilst regime theory suggests that, as with other international agreements, human rights treaties are signed with the bona fide intention that a country will implement their provisions to benefit its citizens.<sup>113</sup> The present findings suggest this is a view that must be treated with caution. It downplays the reality that ruling elites may sign without full intent to comply. Rather they do so in order 'to appease a domestic or international constituency'.<sup>114</sup> In addition, two further, (non-discrete) factors are pivotal: the strength of civil society and international enforcement of human rights. In the latter regard, UN treaties have notoriously weak policy levers – and sanctions for non-compliance are limited.<sup>115</sup> Whilst, in the former case, as liberal internationalist theory underlines, 'improvement in human rights is typically more likely the more democratic the country ... [In short,] ratification [of human rights treaties] is more beneficial the stronger a country's civil society is'.<sup>116</sup> The troubling upshot is that in 'autocratic regimes with weak civil society, [human rights treaty] ratification can be expected to have no effect and is even possibly associated with more rights violations'.<sup>117</sup> The result is that shaming is often the strongest mechanism of human rights enforcement, but international shaming is viewed by the PRC as 'interference in internal affairs'. Moreover, the malaise is compounded by the fact that, as noted, civil society in the PRC is weak and strongly contained. That said, it could be argued that the constitution of the PRC defends 'freedom of belief' (*xinyang*) and, in common with practice in other jurisdictions, religious activity requires regulation by the state. However, in the Chinese case the basic division is between inner belief and external activity (the latter defined as anything involving more than one person). One could conceivably construe the ICCPR in these terms. Yet, even this narrow interpretation is at odds with the UN rights framework – for, as the Office for the High Commissioner for Human Rights' General Comment 22 (the right to freedom of thought, conscience and religion (Art. 18): 30/07/93, CCPR/C/21/Rev.1/Add.4) makes clear, religion involves buildings, ceremonies, holidays, food and clothing.<sup>118</sup> Therefore it cannot be purely private.

Thus the problem lies in the way that the PRC chooses to interpret its obligations. 'Normal' religious activity is precisely an 'activity within a norm, defined by the law'. Here the Chinese attitude is partly immemorial, reflecting earlier imperial practice, partly an over-borrowing of the notion of state sovereignty, yet crucially, without its other face, that is, human rights. Given that in general Chinese law was criminal law, it is hard for China to understand the sphere of civil law. In traditional China, family clans enjoyed a certain autonomy within the state but were regulated by the rites and tradition. In the PRC, today this sphere no longer exists in its traditional form. When law steps in it does so as criminal law and as state law (interpreting civic behaviour in terms of loyalty and patriotism). Human rights law conflicts with this because it depends on a degree of civic vitality, and this may even clash with the law, certainly with civil law. In turn, this raises a further challenge: not just whether the PRC is democratic or autocratic, but whether it supports a vibrant civic society that is both law-governed (by civil law) and able to give scope to a certain degree of autonomy. Harold Laski refers to this as the 'federalism' of a state.<sup>119</sup> In other words, bodies within the state have their own specific autonomy. Until the CCP realises that this is not a threat

to its political dominance, we will continue to see the clash between an international human rights perspective and a state discourse that only pays lip service to human rights.

Accordingly, this study underlines that, in the absence of rights enforcement mechanisms, and in light of the disjuncture in CCP and international civil society organisations' UPR discourse, performativity and legitimation are a feature of contemporary rights practice in the PRC. In social theory terms, 'performativity' here is the 'reiteration of a norm or set of norms, and to the extent that it acquires an act-like status in the present, it conceals or dissimulates the conventions of which it is a repetition'.<sup>120</sup> In other words, through submissions to the UPR the government of the PRC appears to embrace civil society engagement and the promotion of religious freedoms in a way that advances political legitimacy – or, the 'public basis of justification and appeals to free public reason, and hence to all citizens viewed as reasonable and rational'.<sup>121</sup> Whereas, the present critical analysis of international CSO data shows that 'legitimation' applies. This refers to 'communicative actions aimed at managing the public's perception that government actions are effective in promoting their desired ends, whether that is in fact true'.<sup>122</sup> Furthermore, analysis of the state discourse reveals instrumentalism and institutional decoupling to characterise the CCP's UPR submissions. In short, the ruling elite espouses the upholding of religious freedoms but acts to the contrary.

In turn, all of this presents key challenges to CSOs as well as the wider international human rights community. It affirms the conclusion of leading analysis that

effective international regimes are likely to emerge only where they have deep roots in the functional demands of groups in domestic and transnational society, as represented by the domestic political institutions [such as civil society] that mediate between society and the state.<sup>123</sup>

This study shows how, in the case of the PRC, practice presently falls short of this. The functional demands of domestic groups are largely absent, and whilst the demands of international CSOs are clear and vociferous, they remain unaddressed. Instead, the ruling CCP elite continues to suppress discontent whilst at the same time administratively fulfilling its UPR obligations. At the outset of the twenty-first century, this combination of factors allows it to give primacy to retaining power and furthering what it dubs 'a framework of socialism with Chinese characteristics' at the expense of contemporary religious freedoms.

## Notes

1. United Nations Declaration on Human Rights, Article 18 (inter alia, 'everyone has the right to freedom of thought, conscience and religion').
2. See for example: Pazit Ben-Nun Bloom, 'State-Level Restriction of Religious Freedom and Women's Rights: A Global Analysis', *Political Studies*, [early view]. <http://onlinelibrary.wiley.com/doi/10.1111/1467-9248.12212/abstract>; and Robert Joustra, 'Religious Freedom beyond Rights: Retrospective Lessons for Canada from America's Office of Religious Freedom', *The Review of Faith & International Affairs* 11, no. 1 (2013): 87–9. <http://www.tandfonline.com/doi/abs/10.1080/15570274.2012.760972>.
3. For example: Isabel Larroca, 'Chinese Persecution of the Muslim Uighurs Could Drive Them to ISIS', *Newsweek*, December 9, 2015; Brice Pedroletti, 'China's Christians Fear New Persecution after Latest Wave of Church Demolitions', *The Guardian*, July 5, 2014. <https://www>.

[theguardian.com/world/2014/jul/05/china-christianity-wenzhou-zhejiang-churches](http://theguardian.com/world/2014/jul/05/china-christianity-wenzhou-zhejiang-churches) (accessed September 26, 2016).

4. The contested status of the Falun Gong is acknowledged here. See James Tong, *Revenge of the Forbidden City: The Suppression of the Falungong in China, 1999–2005* (Oxford: Oxford University Press, 2009). As Tong's seminal work notes, inter alia, it has been variously conceptualised as a social movement, a quasi-religious movement, a new religious movement, a movement of expression, a global and healing movement, or a spiritual practice that combines Eastern religiosity and quasi-scientific Western modernisation (12).
5. For example, National People's Congress' Resolution, 'Banning Heretic Cult Organizations, Preventing and Punishing Evil Cult Activities' (c. 1999).
6. People's Republic of China, *National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21, A/HRC/WG.6/17/CHN/1* (New York: United Nations, 2013), 13.
7. Fenggang Yang, 'A Research Agenda on Religious Freedom in China', *The Review of Faith & International Affairs* 11, no. 2 (2013): 6–17, 15. <https://www.purdue.edu/crcs/wp-content/uploads/2014/08/ResearchAgendaOnReligiousFreedomInChina.pdf>.
8. See for example: Antonio Gramsci, *Selections from the Prison Notebooks*, trans. and ed. Quintin Hoare and Geoffrey Nowell Smith (New York: International Publishers, 1971); John Keane, ed., *Civil Society and the State: New European Perspectives* (London: University of Westminster Press, 1988).
9. Helmut Anheier and Nuno Themudo, 'Organisational Forms of Global Civil Society: Implications of Going Global', *Global Civil Society* 2, no. 1 (2002): 191–216. <http://gcsknowledgebase.org/wp-content/uploads/2002chapter81.pdf>.
10. Robert Wuthnow, 'Mobilizing Civic Engagement: The Changing Impact of Religious Involvement', in *Civic Engagement in American Democracy*, ed. Theda Skocpol and Morris P. Fiorina (Washington, DC: Brookings Institution Press, 1999), Chapter 9, 81–96.
11. See: Saran Ghatak and Andrew Stuart Abel, 'Power/Faith: Governmentality, Religion, and Post-Secular Societies', *International Journal of Politics, Culture, and Society* 26, no. 3 (2013): 217–35. <http://link.springer.com/article/10.1007/s10767-013-9141-z>.
12. See: Maia Green, Claire Mercer, and Simeon Mesaki, 'Faith in Forms: Civil Society Evangelism and Development in Tanzania', *Development in Practice* 22, nos. 5–6 (2012): 721–34. <http://www.tandfonline.com/doi/abs/10.1080/09614524.2012.685866?needAccess=true>; Gerard Clarke, 'Faith Matters: Faith-based Organisations, Civil Society and International Development', *Journal of International Development* 18, no. 6 (2006): 835–48. <http://onlinelibrary.wiley.com/doi/10.1002/jid.1317/abstract>.
13. Aaron P. Boesenecker and Leslie Vinjamuriy, 'Lost in Translation? Civil Society, Faith-Based Organizations and the Negotiation of International Norms', *International Journal of Transitional Justice* 5, no. 3 (2011): 345–65. <http://ijtj.oxfordjournals.org/content/5/3/345.abstract>.
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16. Catharin Dalpino, *Deferring Democracy: Promoting Openness in Authoritarian Regimes* (Washington, DC: Brookings Institution Press, 2000).
17. Dvora Yanow, *Conducting Interpretive Policy Analysis* (Thousand Oaks, CA: SAGE, 1999).
18. Andre Kukla, *Social Constructivism and the Philosophy of Science* (London: Routledge, 2000).
19. Colin Eden and Fran Ackermann, 'Cognitive Mapping Expert Views for Policy Analysis in the Public Sector', *European Journal of Operational Research* 152, no. 1 (2014): 615–30. <https://pdfs.semanticscholar.org/ebb2/8e4d8886242c55288269899280c69ffd7121.pdf>.
20. Erving Goffman, *Frame Analysis* (Cambridge, MA: Harvard University Press, 1974), 21.

21. David Snow et al., 'Frame Alignment Processes, Micromobilization, and Movement Participation', *American Sociological Review* 51, no. 4 (1986): 464–81, 464. [https://www.jstor.org/stable/2095581?seq=1#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/2095581?seq=1#page_scan_tab_contents).
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24. Ibid., 2189.
25. Ibid.; PRC, *National Report Submitted in Accordance with Paragraph 5 of the Annex*, 13, para. 6.
26. 29 December 1981.
27. UN Committee on the Elimination of Racial Discrimination, *Consideration of Reports Submitted by States Parties Under Article 9 of the Convention: Concluding Observations of the Committee on the Elimination of Racial Discrimination: China*, 2009, CERD/C/CHN/CO/10-13, <http://www.refworld.org/docid/4adc35852.html> (accessed August 31, 2016), 5, para. 20.
28. Guobin Zhu, 'Prosecuting "Evil Cults": A Critical Examination of Law Regarding Freedom of Religious Belief in Mainland China', *Human Rights Quarterly* 32 (2010): 471–501, 480. <https://muse.jhu.edu/article/390314>.
29. [http://www.china.org.cn/government/whitepaper/node\\_7156850.htm](http://www.china.org.cn/government/whitepaper/node_7156850.htm).
30. Guo and Zhang, 'Religion and Social Stability', 2190.
31. Tianjian Shi and Diqing Lou, 'Subjective Evaluation of Changes in Civil Liberties and Political Rights in China', *Journal of Contemporary China* 19, no. 63 (2010): 175–99. <http://www.tandfonline.com/doi/abs/10.1080/10670560903335900>; 54.5% of respondents said 'better' comparing 1979 with 2002.
32. Jemimah Steinfeld, 'Fear of FAITH', *Index on Censorship* 43, no. 4 (2014): 100–18, 102.
33. Joanne Smith Finley, 'Chinese Oppression in Xinjiang, Middle Eastern Conflicts and Global Islamic Solidarities among the Uyghurs', *Journal of Contemporary China* 16, no. 53 (2007): 627–54. <http://www.tandfonline.com/doi/abs/10.1080/10670560701562333>.
34. Tong, *Revenge of the Forbidden City*.
35. Zhu, 'Prosecuting "Evil Cults"', 500.
36. Ibid.
37. Beatrice Leung, 'China and Falun Gong: Party and Society Relations in the Modern Era', *Journal of Contemporary China* 11, no. 33 (2002): 761–84, 784. <http://www.tandfonline.com/doi/abs/10.1080/1067056022000008904?journalCode=cjcc20>.
38. Ani Sarkissian, *The Varieties of Religious Repression: Why Governments Restrict Religion* (Oxford: Oxford University Press, 2015).
39. Douglas Creed, Jeffrey A. Langstraat, and Maureen Scully, 'Picture of the Frame: Frame Analysis as Technique and as Politics', *Organizational Research Methods* 5, no. 1 (2002): 34–55, 37. <http://www.cba.uri.edu/creed/Picture%20of%20the%20Frame.pdf>.
40. David Joffe and Lucy Yardley, 'Content and Thematic Analysis', in *Research Methods for Clinical and Health Psychology* (London: Sage, 2003), Chapter 7, 86–98.
41. Frank Fischer and John Forester, *The Argumentative Turn in Policy Analysis and Planning* (Durham, NC: Duke University Press, 1993), 117.
42. Klaus Krippendorff and Mary Bock, *The Content Analysis Reader* (Thousand Oaks, CA: Sage, 2008).
43. Nvivo 10.
44. Anthony J. Spires, 'Contingent Symbiosis and Civil Society in an Authoritarian State: Understanding the Survival of China's Grassroots NGOs', *American Journal of Sociology* 117, no. 1 (2014): 1–45. [http://anthonyjspires.weebly.com/uploads/3/7/5/2/37525601/contingent\\_symbiosis.pdf](http://anthonyjspires.weebly.com/uploads/3/7/5/2/37525601/contingent_symbiosis.pdf).

45. Also included in this category were CSOs based in Hong Kong and Macao because these Special Administrative Regions of the PRC present social and legal contexts distinct from mainland China where greater freedoms apply (for example, religious groups are not required to register with the government).
46. Government of the PRC, *National Report Submitted in Accordance with Paragraph 15 (A) of the Annex to Human Rights Council Resolution* (New York: UN, 2009) 5/1 A/HRC/WG.6/4/CHN/1 (15).
47. *Ibid.*, 16.
48. Government of the PRC, *National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution* (New York: UN, 2013) 16/21A/HRC/WG.6/17/CHN/1 (3).
49. *Ibid.*, 3.
50. *Ibid.*, 16.
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No potential conflict of interest was reported by the author.

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