



Research article

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Artificial Intelligence as an Auxiliary Tool for Limiting Religious Freedom in China

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Artificial intelligence,
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Abstract

Objective: based on studying the statistics of crimes, national legislation and norms of international law, to give a legal assessment to restrictions of the right to worship implemented with the use of artificial intelligence technologies in China.

Methods: the methodological basis of the research is the set of methods of scientific cognition, including specific sociological (analysis of statistical data and other documents), formal-legal (examining legal categories and definitions), formal-logical (analysis and synthesis), general scientific (induction, deduction), and other methods.

Results: the work researches prerequisites for using artificial intelligence technologies in China to control public relations arising during religious activity both in the digital space and beyond; analyzes the legal framework of the measures implemented; gives a legal assessment to restrictions of the religious freedom using artificial intelligence technologies; forecasts the further development of Chinese legislation and foreign policy associated with religious freedom. Additionally, the work analyzes materials of human rights organizations aimed at hindering the Chinese policy of “sinicisation” and “de-extremification” of ethnic and religious minorities, including with the help of control and propaganda using modern digital technologies.

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Scientific novelty: the work researches the attempt of China to regulate the challenges related to religious activity, arising during rapid digitalization of the society and state, which the Republic faces being a developing, multinational and polyconfessional country. The established restrictions of religious freedom using artificial intelligence technologies are considered along with the relevant criminal statistics. The legal assessment of using artificial intelligence as a tool for restricting the right to worship is given from the standpoint of international law, as well as with the account of Chinese national legislation.

Practical significance: the research results can be used to elaborate a consistent legal framework for using artificial intelligence technologies to counteract extremism.

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Introduction

The process of digitalization of social relations transfers into a new plane the implementation of fundamental human rights, in particular, the right to religious freedom. K. A. Bingaman, considering this process to be irreversible, highlights that it blur the line between the real and the virtual in the aspects of administrating religious services and rituals (Bingaman, 2023). A similar concept is maintained by E. Marique and Y. Marique, who describe digital space as “contemporary public area” uniting virtual actions with real consequences, hence, requiring special regulation (Marique & Marique, 2020). C. Ashraf also speaks of the possibility to single out digital religion as an independent institution (Ashraf, 2020). This theory was confirmed by his colleagues from Catalonia, who called the platforms of digital religious

activity “new public spaces facilitating the creation of a social identity of young people” (Bosch et al., 2017).

Emergence and development of online organizations rendering religious services, as well as social relations occurring during online communications on religious topics, create additional challenges, often leading to limiting freedom of worship. In particular, speaking of the phenomenon of online extremism, K. V. Bhatia, turning to the results by L. Dawson and D. Cowan (Bhatia, 2021), marks that an unlimited access to creating, distributing and consuming online information leads to a crisis of power in the digital environment, as well as to a crisis of authenticity, associated with the content of the disseminated materials.

OSCE also points out the growth of online dissemination of extremist materials¹, while the UNO General Assembly² calls for paying attention to the statistics of incidents related to suing digital platforms for inciting hatred and for supporting and financing extremist groups.

The necessity of protection against threats, associated with the growing digitalization of all spheres of the life of society and state, is being discussed by the Chinese scholars, too. For example, X. Wei in the research work “A critical evaluation of China’s legal responses to cyberterrorism” calls cyberterrorism a special type of a threat to stability and security of states and characterizes the current Chinese legislation, as well as measures for its implementation, as insufficient for ensuring elimination of this threat (Wei, 2022). Such a categorical view on the activity in digital space is implicitly confirmed by the research of the disseminated content, which leads to “mass polarization” of the society’s attitude towards terrorism and extremism (Guan & Liu, 2019).

A. Sabic-El-Rayess also puts social networks among main sources of disseminating the information which facilitates radicalization of the population and, as a consequence, acts of violence (Sabic-El-Rayess, 2012). Referring to notable psychological changes, associated with the process of communication in the digital environment and leading to radicalization, a number of researchers, as a measure of prevention and counteraction, suggest using machine learning not only to detect certain types of messages, but also to research longitudinal open data of social networks in order to identify individual changes in publications and certain types of messages (Smith et al., 2020).

L. F S. Meneses, also mentioning negative psychological changes, calls the uncontrolled dissemination of unverified information in the digital environment “a crisis of truth” and focuses on the destructive influence of this phenomenon on the individual’s ability for critical

¹ OSCE PA vs. COVID-19. Stage 1. Reflections, policy contributions and recommendations presented by OSCE PA President George Tsereteli. (2020). *OSCE PA Reports*. <https://www.oscepa.org/en/documents/president/reports-22/>

² UNO General Assembly. (2020, June 18). Racial discrimination and emerging digital technologies: a human rights analysis : report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance. *Report of the Special Procedure of the Human Rights Council*. <https://digitallibrary.un.org/record/3879751?ln=ru>

thinking (Meneses, 2021). Researches of a focus group in Hong Kong during 2019 protests also prove that demonstration of certain images and videos can significantly influence critical thinking (Chan, 2019).

Stemming from the analysis of past research, it becomes apparent that the impossibility of using traditional regulation mechanisms in the Internet is the immediate reason for using artificial intelligence (further – AI) as a tool of state control in the digital space. The possibility of using its algorithms for studying religious activity and religion per se was pointed out by R. Reed, who marked that collecting, sorting and storing information would inevitably produce the impression of total surveillance and suggested thinking about the role of religion in the society accepting certain ideas (Reed, 2021).

At the same time, modern digital technologies may be viewed as auxiliary tools for struggling against crimes aimed at inciting hatred on ethnic and religious grounds, violating territorial integrity and overthrowing state power and other deeds beyond the digital space.

The need for the law enforcement bodies to use AI was pointed out by several researchers (Kao & Sapp, 2022; Fontes et al., 2022), mentioning the side effects of AI abuse, the main being destabilization of the society.

The objective of this work is to provide a legal evaluation of using artificial intelligence and other digital technologies to control religious activity in the People's Republic of China (further – PRC). To achieve this objective, during the research we identified the feature of implementing the right to freedom of worship in PRC, analyzed the statistics of crimes associated with extremism and religious intolerance, studied the materials of a hearing conducted by the US Commission on International Religious Freedom (USCIRF). Finally, an attempt is made to forecast further development of Chinese policy and legislation in relation to religious freedom.

1. Guarantees and limitations of religious freedom

Article 36 of the PRC Constitution stipulates that “citizens of the People's Republic of China shall enjoy freedom of religious belief”³ and prohibits coercion of citizens “to believe in or not to believe” or discrimination based on religion. At the same time, Article 36 contains an important provision: the state is only obliged to “protect normal religious activities”. However, there is no clear definition of the term “normal religious activities” in the Chinese Constitution, it is just outlined. Stemming from the text, it is understood as the religious activity which does not disrupt public order, impair the health of citizens, contain signs of social activity or interfere with the state's education system. The Article

³ Constitution of the People's Republic of China of December 4, 1982 (with amendments and additions in the edition of March 11, 2018). *The National People's Congress of the People's Republic of China*. <https://www.npc.gov.cn/englishnpc/constitution2019/201911/1f65146fb6104dd3a2793875d19b5b29.shtml>

under consideration also indicates that religious groups and relations associated with their activity shall not be subject to control by foreign forces.

Generally, China has a wide range of laws and other legal acts aimed at ensuring, protecting and regulating public relations associated with implementation of freedom of religion, including the Criminal Code of PRC (1997)⁴, Hong Kong Basic Law (1997)⁵, Macao Basic Law (1999)⁶, Labor Law (1985)⁷, Law on compulsory education (1986)⁸, Law on regional national autonomies of PRC (1984)⁹, Law on meetings and demonstrations in PRC (1989)¹⁰, Law on advertising¹¹, etc.

Almost any normative legal act in PRC guarantees unacceptability of religious discrimination and inalienability of religious freedom. At the same time, having studied Chinese legislation, one may conclude that it is aimed at unacceptability of religion penetrating social institutions; moreover, it becomes obvious that China strives to turn religion into a tool of state power. As early as in 2005, after the first edition of Religious Affairs Regulations came into force¹², this was pointed out by B. Leung (Leung, 2005).

Later research just confirm the attempts of the Chinese government to “sinicise”, that is, to adapt religion to the system of socialist values (Lavička, 2021), with the ultimate goal of detail regulation of the religious activity, suppression of unsanctioned religious groups and reduction of religious influence (Lin, 2018). To achieve these goals, all religious relations, in any way touching upon the interests of the state and society, are subject to state regulation.

⁴ 中华人民共和国主席令 of March 14, 1997. 新华网 (year of publication not indicated). https://www.npc.gov.cn/zgrdw/npc/lfzt/rlys/2008-08/21/content_1882895.htm

⁵ Basic Law of April 4, 1990. *The Government of the Hong Kong Special Administrative Region, Hong Kong Basic Law Drafting Committee* (year of publication not indicated). <https://www.basiclaw.gov.hk/en/basiclaw/chapter1.html>

⁶ The Basic Law of the Macao SAR of March 31, 1993 (2014). *Macao government web*. https://www.zlb.gov.cn/2014-06/26/c_126677086_4.htm

⁷ 中华人民共和国劳动法 of July 5, 1994. 中国政府门户网站, 全国人大法规库 (year of publication not indicated). https://www.gov.cn/banshi/2005-05/25/content_905.htm

⁸ 中华人民共和国义务教育法 中华人民共和国主席令 38 of April 4, 1986 (2006). *China Educational and Research Network*. https://www.edu.cn/edu/zheng_ce_gs_gui/jiao_yu_fa_lv/200603/t20060303_165119.shtml

⁹ 中华人民共和国民族区域自治法 of May 5, 1984, No. GJXFJ-0000-2014-00084 (with amendments and additions in the edition of February 28, 2001) (2005). 中国政府门户网站. https://www.gov.cn/ziliao/flfg/2005-09/12/content_31168.htm

¹⁰ 中华人民共和国集会游行示威法 of October 31, 1989, No. GJXFJ-0000-2014-00084 (2014, May 12). 国家信访局门户网站. <https://www.gjxfj.gov.cn/gjxfj/fgwj/flfg/webinfo/2014/05/1601761496620028.htm>

¹¹ 中华人民共和国广告法 of October 27, 1994 (with amendments and additions in the edition of April 24, 2015) (2015). 中国人大网【字体：大 中 小】打印. https://www.gov.cn/guoqing/2021-10/29/content_5647620.htm

¹² Religious Affairs Regulations of July 7, 2004, No. 426. *State Council of the People's Republic of China*. <https://www.refworld.org/pdfid/474150382.pdf>

As a guarantee to ensure freedom of worship, these norms are stipulated in Article 6 of Religious Affairs Regulations¹³ (2017). Besides, on March 1, 2022, “Measures to administrate rendering religious services in the Internet” came into force in China¹⁴ – a headline-making subordinate legislation, adopted by the National Religious Affairs Administration in collaboration with Cyberspace Administration of China, Ministry of Industry and Information Technology, Ministry of Public Security and Ministry of State Security of PRC. It became a logical continuation of the Law on cybersecurity of Chinese citizens¹⁵ (2017), Religious Affairs Regulations¹⁶ (2017), as well as “Measures to administrate rendering information services in the Internet”¹⁷ (2000). Apparently, its adoption was a reaction towards emerging services of virtual performance of religious rituals, an outburst of which occurred during the coronavirus pandemic. For example, there appeared applications for virtual censuring, chats for reading mantras and prayers and other means of manifesting religious activity in the digital environment.

The official press release to “Measures to administrate rendering religious services in the Internet”¹⁸, published in the Zhejiang Nationalities and Religious Affairs Committee website, speaks of the need to standardize online service with religious topics. In the same press release, the National Religious Affairs Administration emphasizes that the digital space of China cannot be regarded as “a special zone for religious activity” or an “enclave of religious or public opinion”.

The enacted legislation¹⁹ sets the standards of providing religious services and distribution of any religious information. For example, in compliance with Article 6, only organizations registered in the territory of China may perform this activity, while any participation of foreigners in it is prohibited. Provisions of this Article are expanded to any information associated with religion, including visual information distributed through

¹³ 宗教事务条例中华人民共和国国务院令686 of August 26, 2017, No. 000014349/2017-00167. (2017, September 7). 中华人民共和国国务院令. https://www.gov.cn/zhengce/content/2017-09/07/content_5223282.htm

¹⁴ 互联网宗教信息服务管理办法 of December 3, 2021, No. 17. (2021). 国家互联网信息办公室、中华人民共和国工业和信息化部、中华人民共和国公安部、中华人民共和国国家安全部令. https://www.gov.cn/gongbao/content/2022/content_5678093.htm

¹⁵ 中华人民共和国网络安全法 of November 7, 2016 (2016). 新华社北京. https://www.gov.cn/xinwen/2016-11/07/content_5129723.htm

¹⁶ 宗教事务条例 中华人民共和国国务院令 686 of August 26, 2017, No. 000014349/2017-00167. (2017, September 7). 中华人民共和国国务院令. https://www.gov.cn/zhengce/content/2017-09/07/content_5223282.htm

¹⁷ 互联网信息服务管理办法 of September 25, 2000, No. 292 (with amendments and additions in the edition of January 8, 2011). 日中华人民共和国国务院令. https://www.gov.cn/zhengce/2020-12/26/content_5574367.htm

¹⁸ 国家宗教事务局相关负责人就《互联网宗教信息服务管理办法》答记者问 of February 28, 2022, No. 002482103/2022-00007. (2022, February 28). 浙江省民宗委. https://mzw.zj.gov.cn/art/2022/2/28/art_1229468422_2394644.html

¹⁹ 互联网宗教信息服务管理办法 of December 3, 2021, No. 17. (2021). 国家互联网信息办公室、中华人民共和国工业和信息化部、中华人民共和国公安部、中华人民共和国国家安全部令. https://www.gov.cn/gongbao/content/2022/content_5678093.htm

websites, applications, forums, blogs, microblogs, messengers, online broadcasts, etc. Besides, one should remember that only five religions are officially recognized in China²⁰: Buddhism, Daoism, Islam, Protestantism, and Catholicism. That means that representatives of other confessions, previously engaged in missionary activity and rendering religious services in the territory of China online, are now deprived of such opportunity.

International reaction to developing and applying such measures was not long in coming. On September 13, 2022, the US Commission on International Religious Freedom (USCIRF) conducted hearings²¹, during which it accused China of hindering the implementation of the right to freedom of worship at three levels: public, private and digital.

As followed from the hearing testimonies, the Chinese government uses modern digital technologies:

- to trace the location of believers;
- to trace any user activity both in the digital space and in real life;
- to recognize speech;
- to recognize faces;
- to collect information about religious groups in the Internet.

As follows from the materials of the hearing, introduction of “Measures to administrate rendering religious services in the Internet”²² may aggravate religious persecution in the country, according to the party of charge. PRC was also accused of selecting the course towards strengthening people’s unity and “sinicisation” of religions which is actually aimed at elimination of traditional culture and values. As for using modern technologies, including AI technologies as an auxiliary tool for implementing the said legislation, it was characterized as manifestation of “digital authoritarianism”. Besides, the party of charge demanded applying sanctions and measures to China, aimed at infringement of its sovereignty, including the USA interference into the country’s internal policy.

Earlier, similar accusations were set forth to China by the UN Human Rights Office²³ in the Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region.

²⁰ 中国宗教概况. 宗教局, 中国政府门户网站 (year of publication not indicated). https://www.gov.cn/test/2005-06/22/content_8406.htm

²¹ Hearing Before the Congressional-Executive Commission on China. September 13, 2022. (2023). *Control of Religion in China through Digital Authoritarianism*. Washington: U.S. Government publishing office. <https://www.govinfo.gov/content/pkg/CHRG-117jhr48647/pdf/CHRG-117jhr48647.pdf>

²² 互联网宗教信息服务管理办法 of December 3, 2021, No. 17. (2021). 国家互联网信息办公室、中华人民共和国工业和信息化部、中华人民共和国公安部、中华人民共和国国家安全部令. https://www.gov.cn/gongbao/content/2022/content_5678093.htm

²³ OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China of August 31, 2022. (2022). *UN Human Rights Office*. <https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assesment.pdf>

2. Legal framework for establishing control over religious activity

The common basis for using AI technologies for ensuring digital safety and struggling against cybercrime, including with distribution of extremist religious materials, are the following Articles of the Law on cybersecurity of PRC citizens²⁴:

- Article 21, according to which communications service providers are obliged to classify and store for half a year registers of users' network activity;
- Article 46, prohibiting creation of websites and communication groups to use them for illegal purposes or for distributing illegal information;
- Article 47, obliging communications service providers to strengthen management of information published by the users and to immediately stop data transfer in case illegal activity is detected, then to take measures to process and eliminate the data which violate the country's legislation. The preserved proofs must be handed over to the authorities;
- Article 51, stipulating the establishment of a state system of digital security monitoring. As follows from the Article, state departments of cybersecurity and informatization must execute general coordination of other relevant department with a view of improving the efficiency of collecting, analyzing and presenting the information on cybersecurity for early prevention of risks of digital security violation;
- Article 58, which allows applying temporary measures to network communications in certain regions, including measures restricting them to protect national security and public order, as well as to react to large accidents undermining public security;
- Article 68, stipulating liability of communications service providers for non-application of response measures in case of detecting distribution of illegal information.

China intends to apply these norms also to regulating generative AI. For example, Article 12 of the draft "Measures for managing the generative AI services"²⁵ equals suppliers of such services to content producers and obliges them to make sure that the generated texts, photo- and audiovisual materials are not in any way discriminating. In the same draft, Article 19 stipulates liability of the users of generative AI services for creating illegal materials.

3. Using artificial intelligence to implement control over religious activity

The way the provisions of the "Measures to administrate rendering religious services in the Internet"²⁶ are planned to be implemented is of no less interest. The above-mentioned

²⁴ 中华人民共和国网络安全法 of November 7, 2016. (2016). 新华社北京. https://www.gov.cn/xinwen/2016-11/07/content_5129723.htm

²⁵ 生成式人工智能服务管理办法（征求意见稿） of April 11, 2023 (2023). 国家互联网信息办公室. https://www.cac.gov.cn/2023-04/11/c_1682854275475410.htm

²⁶ 互联网宗教信息服务管理办法 of December 3, 2021, No. 17. (2021). 国家互联网信息办公室、中华人民共和国工业和信息化部、中华人民共和国公安部、中华人民共和国国家安全部令. https://www.gov.cn/gongbao/content/2022/content_5678093.htm

press release states that this will be done cooperatively by the National Religious Affairs Administration, Cyberspace Administration of China, Ministry of Industry and Information Technology, Ministry of Public Security and Ministry of State Security, hence, the companies affiliated with them, such as:

- iFLYTEK Co., Ltd.²⁷ – a Chinese state company applying AI to study and recognize speech, including rare languages and dialects (including Tibetan and Uighur);
- CloudWalk Technology Co., Ltd.²⁸ – as follows from its official website, this company, engaged in developing technologies for recognizing a human face, body and voice, also performs profiling and studying behavior patterns;
- China Electronics Technology Group Corporation²⁹ – a state company engaged, inter alia, in developing software and innovations in the sphere of providing security and implementation of AI;
- Qihoo 360³⁰ – a provider of free-of-charge internet- and mobile security, owning 360 Total Security, 360 Mobile Security, 360 Security and other security products providing national security using AI technologies. The company is also engaged in training specialists in this sphere;
- Huawei Technologies³¹ – one of the world largest producers of telecommunication equipment. As follows from publicly available advertisement materials placed in its official website, their devices may help identify individuals by voice, manage ideological re-education of convicts, trace political activists, use facial recognition technologies to trace consumers, etc. The company also develops software to scan faces in order to transfer information to law enforcement.

Besides, one should not forget that AI technologies for religious control are also used outside the digital space. In particular, according to the 2019 data of the US Commission on International Religious Freedom³², by 2035 Hangzhou Hikvision Digital Technology Co., Ltd. plans to install cameras in 967 mosques, which will allow them not only to trace all visitors through facial recognition system, but also control that the sermons adhere to the letter

²⁷ About iFLYTEK Create A Better World With A.I. <https://global.iflytek.com>

²⁸ CloudWalk Technology Co., Ltd. <https://www.cloudwalk.com>

²⁹ China Electronics Technology Group Corporation. https://www.cetcei.com/enzgdzkj/about_us/introduction29/index.html

³⁰ Qihoo 360. <https://www.360.cn/>

³¹ Nowhere to hide: Building safe cities with technology enablers and AI. <https://www.huawei.com/en/huaweitech/publication/winwin/AI/nowhere-to-hide>

³² Religious Freedom in China's High-Tech Surveillance State. (2019, September). USCIRF Country Update: China. <https://www.uscirf.gov/publications>

of the law. According to Article 9 of “Provision of Xinjiang Uygur Autonomous Region on de-extremification”³³ (2017), AI will recognize the following signs of extremism:

- wearing a burqa, closing the face, or trying to make others wear it, as well as wearing other extremist symbols (clause 7);
- distributing religious fanatic ideas through wearing a large beard and/or using certain names (clause 8);
- conclusion or dissolution of marriage according to religious traditions without state registration.

Clause 5 of the law under consideration deserves special attention, as it states as a manifestation of extremism refusal to use television or radio, which implies the presence of automated monitoring of such activity.

4. Statistics of crime as the basis for establishing control over religious activity

Control over religious activity in problem regions, especially in Xinjiang Uygur Autonomous Region (further – XUAR), as follows from the White Paper of the Chinese government “The Fight Against Terrorism and Extremism and Human Rights Protection in Xinjiang”³⁴ (2019), is a part of the state program for struggling against terrorism and extremism, aimed at protection of representatives of other confessions and ethnic groups and protection of human rights in general.

The same document presents the following statistics of crimes associated with separatism and religious extremism, marking that it is not complete:

- a) terrorist attacks and threat of public safety:
 - 05.02.1992 – exploding two passenger buses in Urumqi (3 killed, 23 wounded);
 - 25.02.1997 – exploding three passenger buses in Urumqi (9 killed, 68 wounded);
 - 23.05.1998 – terrorists placed over 40 self-priming devices in crowded locations of Urumqi, which led to 15 arsons;
 - 07.03.2008 – an attempt of explosion on board of CZ6901 flight from Urumqi to Beijing;
 - 30.06.2011 – in Kashgar two terrorists took possession of a truck killing the driver, then purposefully slammed into a crowd. Then they attacked pedestrians with cold weapons (8 killed, 27 wounded);
 - 31.06.2011 – terrorists with cold weapons attacked pedestrians in Kashgar (6 killed, 16 wounded);
 - 29.07.2012 – an attempt to capture an aircraft at GS7554 flight from Hotan to Urumqi;

³³ 新疆维吾尔自治区去极端化条例 of March 27, 2017, No. mzt/2020-00007 (with amendments and additions in the edition of May 9, 2019) (2019). 新疆人大网 更新时间. <https://www.xjpcsc.gov.cn/article/225/lfgz.html>

³⁴ 新疆维吾尔自治区打击恐怖主义和极端主义和保护人权 of March 2019 (2021). 中华人民共和国国务院新闻办公室. https://geneva.china-mission.gov.cn/chn/ztjs/ajldiowqjknew/baipishu/202110/t20211014_9587970.htm

- 28.10.2013 – terrorist attack in the centre of Beijing: terrorists drove a jeep with 31 barrels of petrol towards tourists and duty policemen, then burnt it (2 killed, 40 wounded);
- 01.03.2014 – terrorists with cold weapons attacked people at Kunming railway station (31 killed, 141 wounded);
- 30.04.2014 – a terrorist attacked passengers at Urumqi railway station, another simultaneously enacted an explosive (3 killed, 79 wounded);
- 22.05.2014 – five terrorists on cars slammed into a crowd in Urumqi, then enacted an explosive (39 killed, 94 wounded);
- 18.09.2015 – terrorists attacked a coal mine in Aksu region (16 killed, 18 wounded);
- b) killings of religious leaders:
 - 24.08.1993 – two terrorists attempted to kill imam Mullah Abulizi in Kashgar;
 - 22.03.1996 – two people in masks shot Vice President of the Islamic Association of Xinghe County and assistant imam Akemusidike Aji;
 - 12.05.1996 – terrorists attempted to kill Aronghan Aji, vice president of the China Islamic Association and president of Xinjiang Islamic Association, and hatip of Id Kah Mosque in Kashgar;
 - 06.10.1997 – terrorists shot Senior Mullah Younusi Sidike, member of the China Islamic Association, president of Aksu Islamic Association and imam of the Great Mosque of Baicheng County;
 - 27.01.1998 – terrorists shot Abulizi Aji, imam of the Great Mosque of Baicheng County;
 - 30.10.2014 – Senior Mullah Juma Tayier, vice president of Xinjiang Islamic Association and imam of the Id Kah Mosque, was brutally killed by three terrorists on his way home after morning Fajr prayer;
- c) attacks on state bodies and public riots:
 - 05.04.1990 – a group of terrorists of over 200 people attacked a government building of Baren Township, Akto County, Kizilsu Kirgiz Autonomous Prefecture, kidnapping 10 people and killing 6 armed police officers;
 - 27.08.1996 – a government residence was attacked in Jianggelesi Township of Yecheng County in Kashgar prefecture, a deputy township head, a policeman on duty and three security men were killed;
 - 05–08.02.1997 – during riots in Yining, 7 people died and 198 were wounded;
 - 24.10.1999 – armed terrorists attacked a police station in Saili Township, Zepu County, in Kashgar prefecture. A public security guard and a criminal suspect in custody were shot dead; a policeman and a public security guard were injured;
 - 05.07.2009 – a riot in Urumqi: thousands of terrorists attacked civilians, government organs, public security and police officers, residential houses, stores and public transportation facilities; 197 people died and over 1700 were wounded;
 - 04.08.2008 – terrorists drove a stolen dump truck into armed frontier police at drill on Seman Road, Kashgar City, and threw homemade grenades; 16 people died and 16 were wounded;

– 23.04.2013 – community workers found terrorists making explosives at a private home in Selibuya Town, Bachu County, Kashgar Prefecture, and were killed on the spot. Then terrorists attacked local government staff and police, as a result of which 15 people died and 2 were badly wounded;

– 26.06.2013 – terrorists launched attacks at the police station, patrol squadron, seat of local government and construction sites of Lukeqin Township – 24 people died and 25 were wounded;

– 28.07.2014 – terrorists with knives and axes attacked the government building and police station of Ailixihu Town, Shache County, Kashgar Prefecture. Some then moved on to Huangdi Town where they attacked civilians. 37 people died and 13 were wounded;

– 21.09.2014 – the police station and farmer's market of Yangxia Town, the police station of Tierekebazha Town, and a store at the Luntai county seat, Bayingol Mongolian Autonomous Prefecture were attacked. Ten people died and 54 were wounded;

– 28.12.2016 – terrorists drove into the courtyard of Moyu County government, Hotan Prefecture, detonated a homemade explosive device, and attacked government staff; 2 people died and 3 were wounded.

The statistics cited in the said White Paper of the Government³⁵ cannot be confirmed or complemented from other official sources, as the access to information is either archived or restricted for foreigners. In general, there are doubts concerning the accuracy of the statistical data in open access. For example, according to the data of Bureau of Counterterrorism³⁶, in China there were no terrorist attacks or extremist acts associated with violence since 2016. This contradicts to earlier information about an explosion of a handmade device and death of five people near Pishan County of XUAR in 2017.³⁷ A report of People's prosecutor's office of XUAR as of 2017³⁸ does not highlight this episode in the overall statistics of crimes.

According to a report of Human Rights Watch³⁹, referring to a presumably official statistics from 2017 to 2022 provided by PRC, by February 2022 the overall number of condemnatory judgments in extremist cases was 540,826 in this region. The same report once again emphasizes that China regularly blanks out the complete data; inter alia, access to judicial sentences is completely forbidden, thus, it is impossible to learn for which crimes associated with extremism these sentences were passed.

³⁵ 新疆维吾尔自治区打击恐怖主义和极端主义和保护人权 of March 2019 (2021). 中华人民共和国国务院新闻办公室. https://geneva.china-mission.gov.cn/chn/ztjs/ajljdiowqjknew/baipishu/202110/t20211014_9587970.htm

³⁶ Bureau of Counterterrorism. (2020). *Country Reports on Terrorism 2020: China (Hong Kong and Macau)*. <https://www.state.gov/reports/country-reports-on-terrorism-2020/china>

³⁷ Bureau of Counterterrorism. (2020). *Country Reports on Terrorism 2017: Country Reports on Terrorism*. <https://www.state.gov/reports/country-reports-on-terrorism-2017/>

³⁸ 自治区人民检察院工作报告 of January 23, 2018. (2018). 新疆维吾尔自治区人民检察院. <https://archive.ph/5MLLE>

³⁹ China: Xinjiang Official Figures Reveal Higher Prisoner Count of September 14, 2022. (2022). *Human Rights Watch*. <https://www.hrw.org/news/2022/09/14/china-xinjiang-official-figures-reveal-higher-prisoner-count>

A rather impressive statistics was given by X. Wei in the above-mentioned work (Wei, 2022), according to which terrorism in China in the 21st century shifted to the digital space and its main manifestations in the country are such auxiliary acts, leading to real terrorist attacks and violations of public order, as using the Internet for disseminating illegal information, incitement to crimes and extremist-related propaganda (64 %), and possessing audiovisual materials and other items which can be used for committing terrorist attacks (33.9 %).

5. Using artificial intelligence and digital technologies to control religious activity in problem regions

Speaking of XUAR, one should mind that the basis for establishing digital control over implementation of the right to religious freedom is the local legal act “Provision of Xinjiang Uygur Autonomous Region on de-extremification”⁴⁰ (2017). In particular, clause 13 of Article 9 of this act prohibits “publishing, dissemination, downloading, storing of audio- and video materials of extremist content”, as well as access to such materials, while Article 26 endows telecommunication departments and operators with the right to monitor systems and apply technical means to exchanging voice messengers, talking on mobile and telephone devices and using other telecommunication tools. In case of revealing information of extremist content, an operator is obliged to interrupt transmission, delete all relevant materials, register proofs, and report about the incident. At the same time, Article 3 provides a definition of religious extremism – it is “dissemination of radical religious ideology through statements and actions, denial of normal production and living and impeding them” and “suggestions and actions using distortion of religious doctrines or other means to ignite hatred or discrimination and propagate violence”. “Provision of Xinjiang Uygur Autonomous Region on de-extremification”⁴¹ is a part of the Strike Hard Campaign against Violent Terrorism, developed to fight extremism and terrorism in XUAR⁴².

Assumingly, AI technologies will also be used for digital control in Tibet. Although public riots in this region are traditionally not considered terrorist activity, given its historical interrelations with China, the latter apprehends a new growth of separatist sentiments in it. The main premises for such fears are the protests which were organized by Buddhist monks in March 2008 in Lhasa and turned into mass unrest, during which,

⁴⁰ 新疆维吾尔自治区去极端化条例 of March 27, 2017, No. mztj/2020-00007 (with amendments and additions in the edition of May 9, 2019) (2019). 新疆人大网 更新时间. <https://www.xjpcsc.gov.cn/article/225/lfgz.html>

⁴¹ *Ibid.*

⁴² 公安部开展严厉打击暴力恐怖活动专项行动 (2014, May 25). 中央政府门户网站//新华社. https://www.gov.cn/xinwen/2014-05/25/content_2686705.htm

inter alia, arson of the main city mosque was committed (Van Wie Davis, 2009)⁴³. Today, it is rather difficult to get access to official statistics, but Van Wie Davis states in her research of this issue, referring to the data provided by the local government, that 16 people were killed during protests, four of which were hotel employees and shopkeepers, intentionally burnt alive.

Also in March 2008, protesters with homemade explosion devices attacked government offices, police stations, hospitals, schools, banks and markets under the slogan "Freedom to Tibet!" in the south-west part of Sichuan province. Van Wie Davis, referring to the police data, states that attacks were organized by Buddhist monks and aimed, inter alia, at Muslim residents, forcing police to cordon off the Muslim quarter of Lhasa on March 15, 2008⁴⁴.

The Chinese government has taken a number of preventive measures to de-radicalize Tibet, among which of utmost interest for our research is the enacted "Provision on creating an exemplary zone of ethnic unity and progress in the Tibet Autonomous Region"⁴⁵ (2020). The Provision is primarily aimed at the above-mentioned "sinicisation" of religion and integration of the idea of ethnic unity into it, as follows from Article 19 of this legal act. The idea of ethnic unity and progress must be also propagated by online agencies, as stipulated by Article 27. Sanctions are mentioned in Article 46 – punishment is stipulated for undermining the idea of national unity and progress by disseminating rumors, producing information, or by taking a categorical opposing stand. Article 24 is worth special attention, as it demands that Tibetans must promote the above ideas in families, in order to bring up exemplary citizens, as follows from Article 34.

Conclusions

The research results showed that China strives to create a legal framework for state regulation of the public relations arising during implementation of the right to worship, in order to preserve people's unity, public order and the country's territorial integrity. At the same time, the Chinese legislator strives to timely answer such challenges of today as dissemination of extremist materials and radicalization of the population in the digital space, in particular, by creating and distributing illegal content using generative AI. As for implementation of laws and other legal acts aimed at controlling and restricting religious freedom, including the so called sinicisation and de-extremification

⁴³ Official data being inaccessible, statistics is given by Van Wie Davis, E. Tibetan separatism in China. (2009). *Korean Journal of Defense Analysis*, 21(2), 155–170. <https://doi.org/10.1080/10163270902872135>

⁴⁴ *Ibid.*

⁴⁵ 西藏自治区民族团结进步模范区创建条例 第四章 宣传教育 of January 11, 2020, No. mzej/2020-00007. (2020). 地区民宗局. <https://www.al.gov.cn/info/1258/28851.htm>

of the population of certain regions, they are ensured, inter alia, by using artificial intelligence technologies. The listed measures are conditioned by actual threats to the territorial integrity and stability of PRC and security of its citizens, which follows from the analysis of statistics of crimes committed on ethnic and religious grounds, associated with mass disturbances and terrorist attacks with the ultimate goal of certain regions' secession from the state.

According to Article 36 of the Constitution of the People's Republic of China⁴⁶, the state obliges to protect only a "normal religious activity", i. e. such form of religious freedom implementation that does not violate public order, nor threaten life and health of citizens or incites to subvert the political system, etc. This Article is the starting point for the whole Chinese policy and, accordingly, legislation regarding religion. Thus, the laws and other legal norms adopted based on Article 36 inherently comply with the Constitution.

At the first glance, using AI for recognition of textual and audiovisual messages also does not contradict the Basic Law, including, as one may assume from Article 34 "Provision on creating an exemplary zone of ethnic unity and progress in the Tibet Autonomous Region"⁴⁷, personal conversations between family members, as Article 40 of the PRC Constitution stipulates an abridgment of the privacy of correspondence in cases necessary for providing national security. Nevertheless, the same Article explicitly states that such activity may be implemented exclusively by criminal investigations agencies, public security bodies or prosecutor's agencies, but on no account by organizations or physical persons. It is against this norm to involve third-party organizations or specialists in implementation of the "Measures to administrate rendering religious services in the Internet", which, as follows from the official press release to this legal act, is being planned by the National Religious Affairs Administration in collaboration with Cyberspace Administration of China.

Moreover, preventive measures against dissemination of extremist materials, implying intervention into correspondence and other types of interaction through telecommunications, stipulated by the "Measures to administrate rendering religious services in the Internet"⁴⁸,

⁴⁶ Constitution of the People's Republic of China of December 4, 1982, with amendments and additions in the edition of March 11, 2018. *The National People's Congress of the People's Republic of China*. <https://www.npc.gov.cn/englishnpc/constitution2019/201911/1f65146fb6104dd3a2793875d19b5b29.shtml>

⁴⁷ 西藏自治区民族团结进步模范区创建条例 第四章 宣传教育 of January 11, 2020, No. mztj/2020-00007. (2020). 地区民宗局. <https://www.al.gov.cn/info/1258/28851.htm>

⁴⁸ 互联网宗教信息服务管理办法 of December 3, 2021, No. 17. (2021). 国家互联网信息办公室、中华人民共和国工业和信息化部、中华人民共和国公安部、中华人民共和国国家安全部令. https://www.gov.cn/gongbao/content/2022/content_5678093.htm

“Measures to administrate rendering information services in the Internet”⁴⁹ and the Law on cybersecurity⁵⁰, contradict international law, in particular, Article 12 of Universal Declaration of Human Rights⁵¹, which does not allow intervention into private life and secrecy of correspondence, as well as Article 19, according to which everyone has the right to the freedom of thought and to disseminating one’s ideas.

It is worth noting that the said legal acts, as well as “Provision on creating an exemplary zone of ethnic unity and progress in the Tibet Autonomous Region”⁵² and “Provision of Xinjiang Uygur Autonomous Region on de-extremification”⁵³ together with Article 36 of the PRC Constitution contradict Article 18 of Universal Declaration of Human Rights⁵⁴, which guarantees freedom of thought, freedom of conscience and worship to everyone. Hence, attempts to implement them in the digital space also contradict international law. Such attempts include using generative AI to distribute state ideology and other types of propaganda with the aim to influence citizen’s convictions.

The conducted research also showed that control over religious activity in China has different intensity depending on the region and implies special increased measures in ethnic autonomies, such as XUAR and Tibet. This makes apparent that “Provision on creating an exemplary zone of ethnic unity and progress in the Tibet Autonomous Region”⁵⁵ and “Provision of Xinjiang Uygur Autonomous Region on de-extremification”⁵⁶ contradict the norms of Article 33 of the PRC Constitution, according to which all citizens of China are equal before the law. Consequently, all measures for their implementation, including using “smart” cameras in certain regions, which help to collect and sort out the information about the appearance, behavior patterns of parishioners, etc., as well as the content speeches during religious rituals and services, contradict the basic law of the state and the norms of international law, in particular, the provisions of International Convention on the Elimination

⁴⁹ 互联网信息服务管理办法 of September 25, 2000, No. 292 (with amendments and additions in the edition of January 8, 2011). 日中华人民共和国国务院令第. https://www.gov.cn/zhengce/2020-12/26/content_5574367.htm

⁵⁰ 中华人民共和国网络安全法 of November 7, 2016. (2016). 新华社北京. https://www.gov.cn/xinwen/2016-11/07/content_5129723.htm

⁵¹ Universal Declaration of Human Rights of December 10, 1948. *KonsultantPlyus*. https://www.consultant.ru/document/cons_doc_LAW_120805/

⁵² 西藏自治区民族团结进步模范区创建条例 第四章 宣传教育 of January 11, 2020, No. mzt/2020-00007. (2020). 地区民宗局. <https://www.al.gov.cn/info/1258/28851.htm>

⁵³ 新疆维吾尔自治区去极端化条例 of March 27, 2017, No. mzt/2020-00007 (with amendments and additions in the edition of May 9, 2019). (2019). 新疆人大网 更新时间. <https://www.xjpcsc.gov.cn/article/225/lfgz.html>

⁵⁴ Universal Declaration of Human Rights of December 10, 1948. *KonsultantPlyus*. https://www.consultant.ru/document/cons_doc_LAW_120805/

⁵⁵ 西藏自治区民族团结进步模范区创建条例 第四章 宣传教育 of January 11, 2020, No. mzt/2020-00007. (2020). 地区民宗局. <https://www.al.gov.cn/info/1258/28851.htm>

⁵⁶ 新疆维吾尔自治区去极端化条例 of March 27, 2017, No. mzt/2020-00007 (with amendments and additions in the edition of May 9, 2019). (2019). 新疆人大网 更新时间. <https://www.xjpcsc.gov.cn/article/225/lfgz.html>

of all Forms of Racial Discrimination⁵⁷. The norms stipulated by this Convention, ratified by China, do not correlate with the policy of people's unity, implying forced "sinicisation" of ethnic minorities and their beliefs.

The features of measures helping China to homogenize its population were mentioned in the work by S. Jiménez-Tovar and M. Lavička, which studied the government introducing certain ideas using audiovisual and other means, influencing the formation of national identity (Jiménez-Tovar & Lavička, 2020).

In another work M. Lavička (Lavička, 2021) proves that stricter rules act in XUAR, which can be interpreted as an attempt to eradicate religion in this territory, including by segregating the younger generation from religious traditions and customs. However, one should realize that this process had started long before socialist values began to be propagated in China, originating in Confucianism (Ma, 2006). Nevertheless, following this course in the 21st century directly contradicts Article 4 of the said Convention, aimed against the ideas of ethnic supremacy. However, it would have been wrong to say that its provisions are not implemented by the Chinese government at least partially. For example, it follows from the text of the White Paper "The Fight Against Terrorism and Extremism and Human Rights Protection in Xinjiang"⁵⁸ that China executes its duties of counteracting the dissemination of the ideas of ethnic and religious supremacy by Uighur Muslims, but counteraction to their dissemination using modern digital technologies to propagate similar ideas cannot be considered an adequate response measure, corresponding to the requirements of the said Convention and norms of international law.

Stemming from the research results, one may assert that China has a well-developed legal framework for using AI technologies as a tool for regulating religious activity, and its use for these purposes by state authorities and other organizations corresponds to the norms of Chinese legislation. At the same time, the Chinese legislation per se contains a number of collisions and gaps, which may hinder the proper implementation of the norms aimed both at guaranteeing and limiting the citizens' rights and freedoms. Moreover, a number of Chinese national laws and legal act, in compliance with which AI is supposed to be used, contradict international conventions ratified by the PRC.

Today, there is no reason to believe that China will change its policy of extending state regulation onto the digital space with which its citizens interact, and will stop using AI as a control tool both within and beyond. Consequently, the national legislation of the People's Republic of China will develop in the direction of establishing state control not only over public relations, but also over AI itself and its learning (for example, the draft "Measures

⁵⁷ International Convention on the Elimination of all Forms of Racial Discrimination of March 7, 1966. Information-legal portal GARANT.RU. <https://base.garant.ru/2540327>

⁵⁸ The Fight Against Terrorism and Extremism and Human Rights Protection in Xinjiang of June 2, 2016 (2016). *The State Council Information Office of the People's Republic of China*. https://english.www.gov.cn/archive/white_paper/2016/06/02/content_281475363031504.htm

on managing the services of generative intelligence”⁵⁹ obliges to re-train generative AI in case it creates illegal materials or materials which can be used to commit illegal deeds). The conducted analysis also showed that a Chinese legislator is trying to promptly respond to gaps and collisions in law; therefore, it can be assumed that the above-mentioned internal contradictions in the national legislation will soon be eliminated.

Given the current geopolitical situation, one may assume that, under further increase of pressure on China from Western countries, including the application of measures to influence the “Global EU Sanctions Regime for Human Rights Violations”, China will no longer be able to justify the existing restrictions of Article 29 of Universal Declaration of Human Rights⁶⁰, allowing them “in order to ensure proper recognition and respect for the rights and freedoms of others and to meet the just requirements of morality and public order”. Chinese Academicians have already pointed out the fact that the Collective West ignores threats to China’s territorial integrity and social stability under the auspices of human rights protection (Ji, 2014). Under such course of events, China either may autonomously exit from international conventions and organizations, membership in which hinders development along the chosen political course and undermines state sovereignty, or will be excluded from them – such a precedent has already formed when the Russian Federation was excluded from the Council of Europe.

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⁵⁹ 生成式人工智能服务管理办法（征求意见稿） of April 11, 2023 (2023). 国家互联网信息办公室. https://www.cac.gov.cn/2023-04/11/c_1682854275475410.htm

⁶⁰ Universal Declaration of Human Rights of December 10, 1948. *KonsultantPlyus*. https://www.consultant.ru/document/cons_doc_LAW_120805

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Authors' contributions

Elena V. Titova performed overall guidance and setting the research tasks, search and selection of scientific literature, critical evaluation of the research results interpretation.

Natalya I. Shumakova performed analysis of the Chinese national legislation, studied criminal statistics, interpreted the research results and prepared the manuscript.

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Искусственный интеллект как вспомогательный инструмент ограничения религиозной свободы в Китае

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Ключевые слова

Искусственный интеллект,
Китай,
нейронная сеть,
права человека,
право,
регулирование,
религия,
свобода вероисповедания,
цифровые технологии,
экстремизм

Аннотация

Цель: на основании изучения статистики преступлений, национального законодательства и норм международного права дать правовую оценку ограничениям права на свободу вероисповедания с применением технологий искусственного интеллекта в Китае.

Методы: методологическую основу исследования составляет совокупность методов научного познания, в том числе конкретно-социологический (анализ статистических данных и иных документов), формально-юридический (изучение правовых категорий и дефиниций), формально-логические методы (анализ и синтез), общенаучные методы (индукция, дедукция) и др.

Результаты: в работе изучены предпосылки использования в Китае технологий искусственного интеллекта для контроля за общественными отношениями, возникающими в процессе религиозной активности как в цифровом пространстве, так и за его пределами; проанализирована правовая база применения указанных мер; дана правовая оценка ограничения религиозной свободы с использованием технологий искусственного интеллекта; сделан прогноз дальнейшего развития китайского законодательства и внешней политики, связанных с религиозной свободой. Дополнительно в работе проанализированы материалы правозащитных организаций, направленных на сдерживание

✉ Контактное лицо

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политики КНР по «китаизации» и «деэкстремификации» этнических и религиозных меньшинств, в том числе при помощи контроля и пропаганды с использованием современных цифровых технологий.

Научная новизна: в работе исследована попытка Китая урегулировать связанные с религиозной активностью вызовы, возникающие в процессе стремительной цифровизации общества и государства, с которыми республика сталкивается как развивающаяся, многонациональная и поликофессиональная страна. Установленные ограничения религиозной свободы с применением технологий искусственного интеллекта рассмотрены в комплексе с релевантной статистикой преступлений. Правовая оценка применения искусственного интеллекта как инструмента ограничения свободы вероисповедания дана не только с точки зрения международного права, но и с учетом норм китайского национального законодательства.

Практическая значимость: результаты проведенного исследования могут быть использованы для разработки непротиворечивой нормативной правовой базы для использования технологий искусственного интеллекта в целях противоборства экстремизму.

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