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CHINA

FREEDOM OF RELIGION OR BELIEF: CURRENT ISSUES & CASES

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There has been a marked deterioration in the protection of human rights overall in China from 2013 to the present. Individuals on the frontlines of defending human rights have long encountered oppression from the government in the form of harassment, intimidation and imprisonment. However, under President Xi Jinping this oppression has not only increased for these groups, but has expanded to include a wide range of civil society and business sector actors. These include journalists, academics, religious communities, internet personalities, labour activists and factory workers, environmental activists, and non-governmental organisations and associations.

The shrinking space for civil society, and the Party's real or expressed fears of foreign infiltration into Chinese society, are resulting in tighter management of religious organisations and activities. In a high-level meeting in 2015 on religious affairs, comments by President Xi served to strengthen official warnings against 'infiltration by external forces' through religions. The conference emphasised the need for religions to become 'more Chinese', an idea which has been pushed forward through the *wujin, wuhua* policy (the 'five introductions' into the churches of policies and ideas, and the 'five transformations' which the churches must undergo).¹

The impact of these changes, and the situation for religious communities in general, varies significantly according to religion, locality, size of group, connections with overseas groups, history, activities, and relationship with the local authorities. However, overall there is increasing pressure on unregistered or independent religious communities to join the state-sanctioned religious associations. There has also been an increase in scrutiny of overseas connections, and the expression of religious affiliation through dress, symbols and buildings.

LEGAL RESTRICTIONS AND NATIONAL SECURITY

In early September 2016, draft amendments to the Regulations on Religious Affairs were posted online for public comment.² Although the draft retains a guarantee of citizens' freedom of religious belief (Article 2), the control, management and containment of religious activities are themes that run throughout the text.

The draft confines many religious activities to registered sites, and prohibits religious professionals from 'organizing, or presiding over unapproved religious activities held outside of religious activity sites' (Article 70). However, in order to apply to establish a religious activity site, applicants must prove that the local religious citizens need to conduct collective religious activities regularly (Article 20). There is no further guidance on what constitutes such a need, and it is possible that applicants will be told to join an existing religious activity site rather than establishing a new one.

The new draft adds a number of new regulations on the communication of religious content, mostly relating to online communication. For example, Article 47 states that 'Engagement in internet religious information services shall be upon the review and consent of the

² Extracts from the draft are taken from a translation by China Law Translate, Religious Affairs Regulations Draft Revisions (Deliberation Draft) <http://chinalawtranslate.com/religious-regulations/?lang=en> in 'China's Religion Law: 2005 vs. 2016'. Thomas David DuBois has also translated the original 2005 Regulations alongside the new amendments.

¹ Christian Solidarity Worldwide, China UPR Mid-Term Review, 9 February 2017 www.csw.org.uk/2017/02/09/report/3456/article.htm

religious affairs department for a people's governments at the provincial level or above, and follow the relevant laws and regulations on internet information services management.' The draft also includes prohibitions against proselytising through charity work (Article 56) or in state schools (Article 44).

Another key concern of the draft amendments is stopping 'foreign infiltration' through the practice of religion. The 2016 draft specifically prohibits using religion to 'endanger national security' (Article 4). There are also specific regulations on contact with overseas groups: Article 67 stipulates that 'religious citizens' may not leave the mainland to participate in religious activities without authorisation.

Article 27 of the national security law adopted on 1 July 2015 also concerns religion and belief.³ The inclusion of religious activities in a law concerning national security gives weight to existing policies and measures curtailing freedom of religion or belief, by making these activities a national security issue.

Nowhere is this felt more keenly than in Xinjiang, already a 'blind spot' for freedom of religion or belief. The new legislation follows the launch of a 'strike hard' campaign in Xinjiang, allegedly aimed at combating religious extremism and other security threats. In 2017, 39 Uyghur Muslims were arrested for attending lectures by unsanctioned imams; names perceived to be linked to extremism, such as 'Saddam' and 'Medina', were banned; and Xinjiang authorities imposed rules prohibiting 'abnormal' beards and veils in public places.⁴

TORTURE

CSW is deeply concerned about the use of torture to extract a confession, and as an instrument of fear. Since July 2015 over 300 human rights lawyers and activists, and their colleagues and family members, have been interrogated, detained and in some cases imprisoned or disappeared, in what has been dubbed the 709 crackdown – a reference to the day of the first detention, 9 July. Many of those detained had defended religious minorities including Christians and Falun Gong practitioners. At the time of writing most of the detainees have been released or placed under house arrest; but with news of their release have come numerous testimonies of physical and psychological torture including frequent beatings, sleep deprivation, forced medication, violent threats and prolonged isolation.

³ United Nations Office of the High Commissioner for Human Rights, 'UN human rights chief says China's new security law is too broad, too vague', 7 July 2015 www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16210&LangID=E14

⁴ Christian Solidarity Worldwide, 'Muslims and Christians detained in Xinjiang,' 27 April 2017 www.csw.org.uk/2017/04/27/news/3541/article.htm

A letter to world leaders by family members of the 709 crackdown victims states: 'Prisoners were also put in cages submerged mostly in water, and left inside for seven days, the entire body underwater with a space to breath [sic] at the top. As they stood in the water and tried to sleep, rats would scurry about outside the cage, biting their nose and ears.'⁵ Wang Qiaoling described the torture of her husband, lawyer Li Heping, saying: "He was forced to take medicine. They stuffed the pills into his mouth...After taking the pills he felt pain in his muscles and his vision was blurred...He was beaten. He endured gruelling questioning while being denied sleep for days on end."⁶

The use of secret prisons – essentially extra-legal detention facilities – and residential surveillance at a designated location (RSDL) means torture is unlikely to be investigated and more likely to occur in the first place. Under Article 37 of the Criminal Procedure Law (CPL), an individual can be held in a police-designated location for up to six months; police have to inform their family members of their detention within 24 hours, but do not have to inform them of the location. People detained under this measure are generally held incommunicado, without contact with family or access to legal counsel of their choosing.

Lawyers and activists are not the only victims of torture. Many of the lawyers caught up in the crackdown had defended clients who had been tortured by police or security agents, including those arrested in connection with their religion or belief such as Falun Gong practitioners and Christians from unregistered churches, as well as those accused of crimes not related to politics or religion.

The largest group classified as a cult in China, Falun Gong, has been banned since 1999. It is widely reported by lawyers and Falun Gong organisations that a task force, the 610 Office, was established specifically to eradicate Falun Gong: adherents outside China continue to report the torture in custody of Falun Gong practitioners across the country. A series of reports by human rights lawyer David Matas, former Canadian cabinet minister David Kilgour, and China analyst Ethan Gutmann, provide evidence to suggest that Falun Gong practitioners and other prisoners of conscience, including other ethnic and religious minorities, have been victims of forced organ harvesting.⁷ CSW is not able to independently verify these reports but is in the process of engaging in research on this issue. Organ harvesting clearly constitutes an extremely grievous violation of human rights.

⁵ China Change, 'Letter to World Leaders by "709" Family Members Includes Emerging Details of Horrific Torture', 1 March 2017 <https://chinachange.org/2017/03/01/letter-to-world-leaders-by-709-family-members-includes-emerging-details-of-horrific-torture/>

⁶ BBC, 'Chinese lawyer "wore torture device for a month"', 13 May 2017 www.bbc.co.uk/news/blogs-china-blog-39893359

⁷ International Coalition to End Organ Pillaging in China, An update to 'Bloody Harvest' & 'The Slaughter' <http://endorganpillaging.org/an-update/>

PROTESTANT CHRISTIAN LEADERS IN DETENTION

Living Stone Church (Huoshi Church) is an unregistered Protestant church, founded in 2009 in Guiyang city, Guizhou Province. The church has experienced increasingly repressive measures by the authorities, and in December 2015 a secret directorate produced by the Guiyang municipal government for 'dealing with the Living Stone Church' was leaked. Several church members were then detained or fined on trumped up charges. Pastor Yang Hua was arrested in January 2016. In detention, Yang's interrogators threatened him with torture and death if he refused to cooperate. On 6 January 2017 Yang was sentenced to two and a half years in prison, and on 15 February 2017 Zhang Xiuhong, a former deacon, was sentenced to five years in prison.⁸ Zhang's sentence was later reduced to a three year sentence suspended for five years.

In March 2017 one of Yang's lawyers reported that he was in urgent need of medical care. The lawyer visited him in prison on 20 and 24 March, and discovered that he was "on the verge of paralysis" as a result of severe inflammation in his legs. Medical staff at the detention centre had administered painkillers, but denied Yang's request for injections to treat the infection. Yang was transferred to a military hospital shortly thereafter. Another doctor examined Yang and recommended the condition be treated with penicillin, but this does not appear to have been provided. The doctor also said that without treatment, the condition could require amputation. Yang has since been moved to the medical wing of the prison and his condition has improved, but there are still serious concerns about his health.

Pastor Zhang Shaojie of the state-sanctioned Nanle County Christian Church, Henan Province, has also been subject to ill-treatment in prison. Zhang is serving a 12-year sentence for 'fraud' and 'gathering a crowd to disturb public order'. He was detained without formal documentation in November 2013, along with over 20 others from the church, after members petitioned a higher authority about a land dispute involving Nanle Church.⁹ Some church members believe that Zhang was detained as part of a plan by the authorities to replace him as the head of the local state-sanctioned Protestant association, the Three Self Patriotic Movement (TSPM), because of his defence of marginalised social groups. Church members, lawyers and Christians visiting his family in December 2013 were beaten, harassed and detained by hired thugs, police and government agencies.

In June 2017 Zhang's daughter, Esther Zhang Huixin, who is based in the US, reported that Zhang is suffering

both physically and mentally as a result of meagre food rations and sleep deprivation. According to Zhang Huixin, Zhang is being deprived of sleep for 24 hours at a time, and "intentionally starved" by the prison authorities, who give him only one steamed bun a day. Zhang Shaojie's sister, Zhang Cuijuan, said after a visit to the prison that Zhang is in a "terrible mental state" as a result of the ill-treatment.

DEMOLITION OF RELIGIOUS BUILDINGS

Since early 2014 authorities in Zhejiang Province in south-east China have removed hundreds of crosses from churches, in some cases destroying all or part of the church building at the same time. Some estimates put the total number of churches affected at over 2,000; conservative estimates are between 1,500 and 1,700.¹⁰ Although the mass removal of crosses appears to have stopped in 2016, the crackdown on Christians in Zhejiang continues.

In 2015 and early 2016 at least 20 Christians, including several senior pastors from state-sanctioned churches, were arrested and detained in connection with their peaceful opposition to the cross removal campaign. The authorities started an official campaign to install surveillance equipment in local churches, to allow them to more closely monitor religious activities. Reportedly, Christians who resisted this move at Banling Church, Wenzhou, sustained serious injuries after clashing with officials.¹¹

Demolitions and evictions have also taken place at Tibetan Buddhist institutes. A 'renovation' campaign launched in July 2016 has resulted in the demolition of hundreds of homes at Larung Gar Buddhist institute in Sertar, Sichuan Province.¹² Larung Gar is believed to be one of the largest Buddhist teaching centres in the world, with a population of over 10,000; a demolition order issued by the authorities details plans to reduce the number of residents to 5,000 by 30 September 2017.¹³ The document publicises decisions taken at the Sixth Tibet Work Forum in August 2016 and a conference on religion in Beijing in April 2016, both of which were

10 Christian Solidarity Worldwide, 'Zhejiang church demolitions: Timeline of events' www.csw.org.uk/zhejiangtimeline

11 China Aid, 'Christians report spine, neck injuries after being thrown from wall' 25 April 2017 www.chinaaid.org/2017/04/christians-report-spine-neck-injuries.html

12 International Campaign for Tibet, 'Mass expulsions at globally renowned Buddhist institutes follow demolitions', 15 September 2016 www.savetibet.org/mass-expulsions-at-globally-renowned-buddhist-institutes-follow-demolitions

13 Tibetan Centre for Human Rights and Democracy, 'China issues demolition order on world's largest religious town in Tibet', 15 June 2016 <http://tchrd.org/china-issues-demolition-order-on-worlds-largest-religious-town-in-tibet>

8 Christian Solidarity Worldwide, 'Living Stone Church Pastor Sentenced', 6 January 2017 www.csw.org.uk/2017/01/06/news/3417/article.htm

Christian Solidarity Worldwide, 'Living Stone Church Deacon Sentenced', 20 February 2017 www.csw.org.uk/2017/02/20/news/3461/article.htm

9 Christian Solidarity Worldwide, 'Pastor Zhang Shaojie finally charged', 31 January 2014 www.csw.org.uk/2014/01/31/news/1961/article.htm

presided over by President Xi. Three suicides have been reported in connection with the Larung Gar incidents.

Up to 1,000 nuns at another Buddhist institute, Yachen Gar, have been forced to leave the centre and return to their home towns, following an order by officials.¹⁴

DISAPPEARANCE AND DETENTION OF CATHOLIC CLERGY

A number of clergy have been arrested or disappeared, including Father Yang Jianwei of Hebei Province, missing since April 2016; and Bishop James Su Zhimin, detained on 8 October 1997 in Hebei. In July 2012 Mgr Thaddeus Ma Daqin, auxiliary bishop of Shanghai, was effectively placed under house arrest after he publicly resigned from the state-sanctioned Chinese Catholic Patriotic Association (CCPA) at his ordination.

More recently, Bishop Peter Shao Zhumin of Wenzhou, Zhejiang, was taken away by police on 18 May 2017. Bishop Shao is an 'underground' bishop who is recognised by the Vatican but not by the Chinese government. This is the fourth time he has been detained by the authorities since being confirmed as Bishop of Wenzhou in September 2016.¹⁵ Observers believe Bishop Shao may have been detained in order to pressure him to join the CCPA. On 26 June 2017 the Director of the Holy See Press Office issued a statement saying that the Holy See is 'observing with grave concern the personal situation of Bishop Peter Shao Zhumin of Wenzhou, forcibly removed from his episcopal see some time ago. The diocesan Catholic community and his relatives have no news or reasons for his removal, nor do they know where he is being held.'¹⁶

The Chinese government and the Vatican have reportedly been working towards an agreement concerning the ordination of bishops. Should a deal be reached, it is unclear what the implications would be for 'underground' or independent communities where the bishop is not recognised by Beijing, and what freedom there will be for those who choose for reasons of conscience to worship outside the state's approved structure.

14 Human Rights Watch, 'China: 1,000 Evictions from Tibetan Buddhist Centers', 14 September 2016 www.hrw.org/news/2016/09/14/china-1000-evictions-tibetan-buddhist-centers

15 UCA News, 'Vatican-approved bishop detained for a fourth time in China', 24 May 2017 www.ucanews.com/news/vatican-approved-bishop-detained-for-a-fourth-time-in-china/79300

16 Press Office of the Holy See, 'Declaration of the Director of the Holy See Press Office, Greg Burke, 26.06.2017', 26 June 2017 <http://press.vatican.va/content/salastampa/en/bollettino/pubblico/2017/06/26/170626b.html>

RECOMMENDATIONS

To the international community

- Strongly urge China to set out a clear timetable for ratification of the International Covenant on Civil and Political Rights (ICCPR): this should be set out as a benchmark for progress at all human rights dialogues and other bilateral meetings
- Strongly encourage China to extend protection of the right to freedom of religion or belief (FoRB) beyond the five recognised religions, and revise registration requirements and legislation pertaining to religion, in consultation with religious communities and legal experts
- Demand the immediate release of all prisoners of conscience detained in connection with their religion or belief, and the investigation of cases of wrongful imprisonment
- Condemn in the strongest terms the use of torture in any circumstances, emphasising the absolute prohibition against torture in the UN Convention against Torture (CAT), which China ratified in 1988
- Explore new ways of supporting lawyers defending victims of FoRB violations, including exchanges and training, and the provision of 'safe spaces' for discussion online or in person
- When high level visits take place, ensure that China's human rights record and specific incidents are raised both in public and in private, naming perpetrators where appropriate
- Strongly encourage the participation of Chinese civil society in preparations for human rights-related reporting, including the UN Universal Periodic Review process
- Encourage and support training for local officials and police on FoRB in international law, and urge China to hold to account officials whose actions are found to be in violation of the law
- Encourage delegations to China, including religious groups, trade delegations and other non-government visitors, to meet and engage with both registered and unregistered religious communities, in order to give legitimacy to independent religious practice, and to raise human rights and freedom of religion or belief concerns wherever possible.