

INTRODUCTION

1. Christian Solidarity Worldwide (CSW) is a human rights organisation specialising in freedom of religion or belief (FoRB) for all.

2. This submission seeks to draw attention to particular concerns over the right to FoRB in the People's Republic of China.

3. In the reporting period, the overall level of FoRB in the country has decreased. This downward trend fits into a broader pattern of increasing human rights abuses under President Xi, accompanied by and manifested through a shrinking space for civil society, a heightened sensitivity to perceived challenges to Party rule, and the introduction of legislation that curtails civil and political rights in the name of national security.

4. This submission will begin by looking at China's record in the present UPR cycle in relation FoRB; it will then consider violations against FoRB and human rights defenders (HRDs); the final section examines the ratification status of international treaties such as the International Covenant on Civil and Political Rights (ICCPR).

COMMITMENTS RELATING TO FREEDOM OF RELIGION OR BELIEF

5. In the second Universal Periodic Review (UPR) cycle in 2013, China accepted 13 recommendations directly related to FoRB.

6. The accepted recommendations were mostly non-specific, calling on China to 'consider possible revisions' or to 'take effective measures' to safeguard FoRB. Despite accepting certain recommendations relating to FoRB, the reporting period has seen a deterioration in the level of protection of this right.

7. Recommendations noted by China in 2013 included: calls for China to work more closely with the Special Rapporteur on FoRB (Canada); calls for an end to the prosecution and persecution of people for practicing of their religion or belief (Spain, Canada); calls for guarantees that FoRB would be extended to all people (Germany); and requests for the protection of rights directly related to the Uyghurs and the Tibetans (Czech Republic, France).

8. The reality of the right to FoRB for religion and belief communities in China remains a mixed picture, and conditions vary according to religion, location, ethnicity, attitude of local officials as well as other factors. However, a tightening of government policy has ensured that conditions have worsened for many non-

government sanctioned religious groups, while certain sanctioned religious groups have also had their activities and practices restricted.

VIOLATIONS OF FREEDOM OF RELIGION OR BELIEF¹

GOVERNMENT POLICY RESTRICTING FoRB

9. The Chinese constitution protects 'normal' religious activities (Article 36). In practice this refers to activities under the five officially recognised religious traditions (Buddhism, Taoism, Islam, Protestantism and Catholicism), which are overseen by seven state-sanctioned associations.

10. Xi Jinping's government has adopted a number of policies in order to ensure that the Communist Party of China (CPC) maintains control over religious organisations and activities, including Christian churches. In 2014, the director of China's State Administration for Religious Affairs told a seminar on the sinicisation of Christianity that "Chinese Christian theology should be compatible with the country's path of socialism," and should "adapt to China's national condition and integrate with Chinese culture."²

11. Among Catholics in China, some belong to churches under the state-sanctioned Chinese Catholic Patriotic Association, while others attend churches loyal to the Vatican, sometimes known as 'underground' churches, which are not recognised by the authorities in Beijing; some Catholics attend both types of church. Similarly, some clergy and bishops are appointed solely by the Chinese government without approval from the Pope; some are recognised by the Vatican and not by the Chinese government; and some are already recognised by both. The Chinese government and the Vatican have reportedly been working towards a deal concerning the ordination of bishops. Should a deal be reached, it is unclear what the implications would be for 'underground' churches where the bishop or clergy are not recognised by the Chinese government, and there are valid concerns for their rights, including their freedom of religion or belief, and well-being.

¹ CSW, *Report: China – Freedom of religion or belief*, 19 October 2016 www.csw.org.uk/2016/10/19/report/3305/article.htm

² *China Daily*, 'China plans establishment of Christian theology', 7 August 2014 http://europe.chinadaily.com.cn/china/2014-08/07/content_18262928.htm

12. A number of clergy have been arrested or disappeared, including Father Yang Jianwei of Hebei Province, who has been missing since April 2016; and Bishop James Su Zhimin, detained on 8 October 1997 in Hebei. 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 government. He was released in January 2018.

REGULATIONS ON RELIGIOUS AFFAIRS

13. In early September 2016, draft amendments to the Regulations on Religious Affairs (RRA) were released. On 1 February 2018 new regulations came into effect.³ The revised regulations include articles on the following:

A) FOREIGN INFILTRATION

14. Article 4 of the RAR specifically prohibits using religion to endanger 'national security'. References to 'foreign infiltration' and 'national security' are vague and have the potential to be used to place unacceptable restrictions on religious groups. They are part of a wider set of policies which have used 'national security' as a justification for repression.

15. On 7 July 2015, the UN High Commissioner for Human Rights expressed concern about the human rights implications of the national security law adopted on 1 July 2015,⁴ saying the law's "extraordinarily broad scope" and vague terminology left "the door wide open to further restrictions of the rights and freedoms of Chinese citizens, and to even tighter control of civil society" by the government.

16. Article 27 of the National Security Law concerns FoRB. Including national security in the new regulations on religious affairs and religion in the National Security Law combine to give weight to policies and measures which curtail FoRB.

B) MANAGEMENT AND CONTROL

17. Although the new regulations retain Article 2 which guarantees citizens' to freedom of religious belief, the control, management and containment of religious activities are themes which run throughout the new regulations.

³ China Law Translate, Religious Affairs Regulations Draft Revisions (Deliberation Draft) <http://chinalawtranslate.com/religious-regulations/?lang=en>

⁴ 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=E#sthash.92J1K4iR.dpuf

18. The new regulations confine many religious activities to registered sites (Chapter IV). 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.

19. The new text extends regulations which give authority over religious affairs to the national religious organisations while limiting the autonomy of individual local religious groups.⁵

20. This could be interpreted as an attempt to place limits on registered organisations which are seen to have become too independent, and to bring them in line with the direction of the state-sanctioned patriotic associations.

C) RESTRICTIONS ON COMMUNICATION AND PROSELYTISING

21. The new text adds a number of new regulations on the communication of religious content. Online religious information services must be approved by the Religious Affairs Department (Article 47).

22. The new regulations also include prohibitions against proselytising through charity work (Article 56) or in state schools (Article 44).

23. The regulations continue the practice of only protecting groups registered with the state-sanctioned religious associations. Registration is mandatory, not optional, making religious groups who oppose government oversight "illegal". These amendments appear to codify the increased scrutiny and pressure on religious activities in China.

DESTRUCTION OF AND EVICTIONS FROM RELIGIOUS BUILDINGS

24. Demolitions and evictions have 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. Larung Gar is believed to be one of the largest Buddhist teaching centres in the world, with a population of over 10,000.

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

⁵ For example, only national religious groups and those of the provinces, autonomous regions, and directly-governed municipalities may select and receive religious students studying overseas in accordance with provisions; other organisations or individuals may not (Article 9). Similarly, under Article 11 only national groups or those at the level of the province, autonomous region or directly-governed municipality may establish religious schools.

26. Beginning in early 2014, authorities in Zhejiang removed hundreds of crosses⁶ from Catholic and Protestant, registered and unregistered churches in the province, in some cases destroying part or all of the church at the same time, in a campaign that the authorities say aims to 'rectify and demolish' structures which have violated building codes.

LIVING STONE CHURCH

27. Living Stone Church, an unregistered Protestant church in Guizhou, has experienced increasingly repressive measures from the authorities since 2013 in efforts to encourage the church to join the state-sanctioned association for Protestant churches.

28. On 18 November 2015, the Church received a 'Rectification Order' from the Nanming District City Urban Administrative and Law Enforcement Bureau stated that the church's use of a commercial building was illegal.

29. Pastor Yang Hua was arrested in January 2016. 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. Zhang's sentence was later reduced to a three year sentence suspended for five years.

30. More recently, in January 2018, the church's two pastors were fined over US\$1 million for collecting 'illegal' donations from members of the congregation.

TORTURE

31. During the reporting period, both members of religious communities and individuals who defend the right to FoRB have reported being tortured and subject to ill-treatment while in detention.

32. Pastor Zhang Shaojie of Nanle Country Christian Church, Henan (a registered church), was tortured through sleep deprivation and starvation according to his daughter, who described him as "barely alive" in June 2017. Pastor Zhang is serving a 12 year prison sentences on charges of 'fraud' and 'gathering a crowd to disturb public order' after petitioning about a land dispute involving Nanle Church.

33. 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.⁷

⁶ Some estimates put the total number of churches affected at over 2,000; conservative estimates are between 1,500 and 1,700.

⁷ Under Article 73 of the Criminal Procedure Law (CPL), an individual can be held in a police-designated location for up to six months. People detained under this measure are generally held incommunicado, without contact with family or access to legal counsel of their choosing.

34. Publisher Gui Minhai, a Swedish citizen based in Hong Kong, was held under RSDL after being abducted from Thailand by Chinese security agents in October 2015. He was released in October 2017 but was taken away by police again in January 2018 in front of two Swedish consular officials as they were travelling by train to Beijing.

MARGINALISATION OF ETHNIC UYGHURS

35. Uyghur Muslims continue to have their social, cultural and ethnic rights marginalised, as well as having their religious practice limited.

36. As mentioned above, the new National Security Law continues the practice of approaching religion as a security issue, and follows the launch of a 'strike hard' campaign in Xinjiang allegedly aimed at combating religious extremism and other security threats. As part of the campaign, police have raided so-called illegal religious meetings.⁸

37. Uyghur Muslims have also been 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.

38. Furthermore reports have emerged that hundreds of thousands of Uyghurs and individuals from other ethnic groups are reportedly being held without charge in overcrowded political re-education camps. Some of the people in the camps are being held in connection with their "unauthorised" religious activities.

FALUN GONG AND ORGAN HARVESTING

39. The largest group classified as a cult in China is Falun Gong, a spiritual movement which has been banned since 1999. It is widely reported that a task force - the 610 Office - was established specifically to eradicate Falun Gong; adherents outside China continue to report the arrest, imprisonment, torture and death in custody of Falun Gong practitioners across the country.

40. A series of reports released between 2006 and 2016 provide evidence to suggest that Falun Gong practitioners and other prisoners of conscience have been victims of forced organ harvesting. Most recently, a 2016 report by David Kilgour, David Matas and Ethan Gutmann⁹ concludes

⁸ In May 2015 an imam and eight farmers were arrested in connection with 'illegal teaching' and were sentenced to seven to nine years each, according to RFA's Uyghur Service. The village's security chief said that the authorities interpreted private prayer sessions at places they had not officially designated for worship as 'a sign of religious extremism'.

⁹ Entitled 'Bloody Harvest/The Slaughter: An Update'

that between 60,000 to 100,000 organs are transplanted each year in China, far above the government's figure of 10,000.¹⁰ Furthermore, patients have reported that the waiting time for an organ is much shorter in China than elsewhere, and with a more precise timeframe, leading to questions about the source.

RECOMMENDATIONS

41. The State Party should honour its commitments made during the UPR to safeguard FoRB.

42. The State Party should revise all regulations and legislation pertaining to religion to ensure they align with international standards on the right to FoRB as set out in Article 18 of the ICCPR, in consultation with religious communities and legal experts.

43. The State Party should repeal laws and regulations pertaining to 'evil cults'.

44. The State Party should immediately release all prisoners of conscience detained in connection with their religion or belief, and investigate cases of wrongful imprisonment.

45. The State Party should end security measures which place restrictions on citizens' cultural and religious rights in Tibet and Xinjiang in contradiction of Article 18 of the ICCPR.

46. The State Party should immediately and completely end the practice of harvesting organs from prisoners and detainees.

47. The State Party should immediately cease the demolition of religious buildings as a means of limiting religious practice, and establish a complaints mechanism for religious buildings affected.

THE DETENTION OF HUMAN RIGHTS LAWYERS AND INDIVIDUALS PROMOTING FoRB

48. In a crackdown beginning in 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. Many of these lawyers have represented clients from religion or belief communities.

49. One of those detained in the crackdown was lawyer Wang Quanzhang, who has been held incommunicado since July 2015. Most other detainees have now been released or placed under house arrest; but with news

of their release have come numerous testimonies of torture in detention, including frequent beatings, sleep deprivation, forced medication, violent threats and prolonged isolation.

50. Jiang Tianyong, a human rights defender (HRD), went missing on 21 November 2016 on his way home to Beijing. He was put on trial in August 2017 but was denied access to legal counsel of his choosing. On 21 November 2017, he was sentenced to two years in prison on the charge of "inciting subversion of state power".

51. Human rights lawyer Gao Zhisheng 'disappeared' in August 2017; his whereabouts are still unknown. Previously Gao was imprisoned for three years and was released on 7 August 2014 with serious health problems, and reported being tortured.

52. Ilham Tohti is a prominent Uyghur scholar and economist who has written extensively about the discrimination against ethnic Uyghur Muslims in Xinjiang and advocates for peaceful dialogue, understanding and reconciliation. On 17 September 2014, Mr Tohti was sentenced to life in prison for separatism, a charge at odds with his adamant rejection of separatism as a solution for Xinjiang.

RECOMMENDATIONS

52. The State Party should provide a safe environment for human rights lawyers, civil society actors and HRDs, enabling them to carry out their work.

54. The State Party must consult with civil society in China and strongly encourage its participation in preparations for human rights-related reporting, including the UN Universal Periodic Review process.

55. The State Party should immediately release human rights lawyers detained or imprisoned in connection with their peaceful defence of the rights of others.

56. The State Party should ensure that no citizen is detained incommunicado and that family members of detainees are informed of their whereabouts and the charges against them in good time, in accordance with international standards.

INTERNATIONAL LEGAL OBLIGATIONS AND COMMITMENTS

57. Since the 2013 UPR review, China has not signed or ratified any new human rights treaties and relevant optional protocols, including those recommended by UN Member States.¹¹

58. China has not accepted UPR recommendations to immediately ratify the International Covenant on Civil and Political Rights (ICCPR) but did accept calls to

¹⁰ International Coalition to End Organ Pillaging in China, An update to 'Bloody Harvest' & 'The Slaughter' <http://endorganpillaging.org/an-update/>

¹¹ UPR Mid-Term Assessment of Chinese Human Rights Defenders, 22 November 2016 www.upr-info.org/sites/default/files/document/china/session_17_-_october_2013/china_2ndcycle_chrd_mid-term.pdf

'consider ratifying' the ICCPR. The government has yet to ratify this treaty.

59. China did not accept recommendations to become a 'party to the Rome Statute of the International Criminal Court (ICC)'.

60. China also failed to accept calls to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CED) or the Optional Protocol of the Convention against Torture (CAT).

61. The Chinese government has a policy of forcibly repatriating North Korean defectors within its borders, despite the fact that this puts the returnees at risk of persecution, torture, and in some cases extra-judicial killing or execution in the country's network of brutal prison camps and therefore violates the international principle of non-refoulement in Article 33(1) of the 1951 UN Refugee Convention, to which China is a party.

RECOMMENDATIONS

62. The State Party should ratify the ICCPR.

63. The State Party should accede to the Rome Statute of the ICC.

64. The State Party should ratify the CED and the Optional Protocol of the CAT, and ensure their national laws and relevant policies are in line with these international conventions.

CONCLUSIONS

65. CSW expresses concerns that the nominal commitments which China made to safeguard FoRB have not been implemented. The human rights situation has deteriorated significantly during the reporting period. Hundreds of human rights defenders have been arrested, religious regulations have been tightened, and religious buildings have been destroyed.

66. CSW calls on China to uphold commitments it made at the second UPR review, and to implement