

Introduction

There has been a critical deterioration in the overall protection of human rights in China from 2013 to date. The realisation of the right to freedom of religion or belief (FoRB) in China remains a mixed picture, and conditions vary according to religion, location, ethnicity, attitudes of local officials, and other factors. However, overall, the level of FoRB is rapidly and significantly decreasing against a backdrop of broader human rights violations which in some cases amount to crimes against humanity, requiring the urgent attention of the international community.

State-sanctioned religion

Under Article 36 of the constitution, the state protects all 'normal' religious activities. The five officially-recognised religious traditions – Buddhism, Taoism, Islam, Protestantism and Catholicism – are overseen by seven state-sanctioned associations. In reality, 'normal' religious activities refers to those carried out by religious communities registered with these associations. However, registered religious communities are also subject to increasingly severe restrictions.

On 1 February 2018, China's State Council revisions to the 2005 Regulations on Religious Affairs came into effect. These measures strengthen state control over religious activities in China and remove the grey area in which some unregistered churches' activities were previously partially tolerated. In March 2018 the United Front Work Department, an agency of the Chinese Communist Party, began overseeing ethnic and religious affairs in the country in a move to further strengthen Party control.

Xinjiang Uyghur Autonomous Region

In the Xinjiang Uyghur Autonomous Region (XUAR), over one million Uyghurs, Kazakhs and members of other ethnic groups have been detained in 're-education camps' since 2017 without charge. Most of the detainees are Muslim and there is a strong religious element to the detentions. Numerous reports of torture and ill-treatment, systematic rape and forced sterilisation, have emerged from the camps, where conditions are dangerously unsanitary and overcrowded.

Individuals have been detained for acts as basic as having the WhatsApp application on their mobile phones, having relatives abroad, accessing religious materials online, and engaging in peaceful religious activities, including praying or wearing 'Islamic' clothing.

The government's actions are a full-scale attack on Uyghur identity, culture and religion. The devastating and long-term impact of these actions cannot be overstated.

Protestant and Catholic churches

From 2018 onwards, registered and unregistered Protestant and Catholic churches and pastors have faced increased harassment, fines, cross removals, confiscation of property and forced closure across the country. Pastors who have spoken out against the violations have been detained and some have received lengthy prison sentences.

Historically, some Catholics have attended churches under the state-sanctioned Chinese Catholic Patriotic Association, while others belong to communities led by bishops recognised by the Vatican. The government insists religious groups operate without foreign oversight. On 22 September 2018, the Vatican and the Chinese government came to a provisional agreement about the ordination of bishops; the details have not been made public. The agreement was extended in September 2020.

The authorities continue to detain and remove Catholic clergy without government approval. Catholic churches have been destroyed and religious symbols forcibly removed from churches and from people's homes.

Tibet

Tibetan Buddhists' religious services are disrupted, institutions monitored and sites closed. A 'renovation' campaign by the authorities launched in July 2016 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; a demolition order detailed plans to reduce the number of residents to 5,000.

Tibetan Buddhist monks who have peacefully called for greater freedoms for Tibetans have been detained and tortured, sometimes leading to death in custody or soon after release.

Falun Gong and xie jiao

At least 20 religion or belief groups in China have been labelled as xie jiao, usually translated into English as 'heterodox teachings' or 'evil cults'. Individuals affiliated with such groups have been charged under Article 300 of the Criminal Law, which prohibits 'organizing/using a cult to undermine implementation of the law'. Penalties include surveillance, fines and lengthy imprisonment.

The largest group classified as a 'xie jiao' in China, Falun Gong, has been banned since 1999. Practitioners and supporters outside China continue to report the arrest, imprisonment, torture and death in custody of Falun Gong practitioners across the country. A series of expert reports suggest that Falun Gong practitioners and other ethnic and

religious minorities have been victims of forced organ harvesting.

The Church of Almighty God (CAG) was labelled a 'xie jiao' in 1995. According to research by non-profit humanitarian organisation Dui Hua, CAG members make up the second largest grouping of individuals convicted under Article 300 after Falun Gong. CAG groups outside China report ongoing and serious violations against CAG members, including torture in detention, intrusive surveillance, and intense pressure to recant.

Detention of human rights defenders

Beginning in July 2015, over 300 human rights lawyers and activists, their colleagues and family members, were 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. Most of the detainees have now been released or placed under house arrest. Many of those since released have described appalling physical and psychological torture.

Lawyers who take on FoRB-related cases can face harassment and intimidation from the authorities; those who continuously take on such cases become targets, and can be detained and tortured, jailed or disappeared. Increasingly, their family members are also severely harassed by the police and can be fired from their jobs and evicted from their homes for no reason other than pressure from the authorities.

Recent developments

COVID-19

In September 2020, CSW published an exclusive piece of research into the impact of the COVID-19 pandemic on unregistered Protestant 'house' churches in China.¹ The research examines three case studies, including a police raid on Xingguang Church in Xiamen, Fujian Province, and a crackdown on Early Rain Covenant Church, in Chengdu, Sichuan Province, which took place over Easter 2020. Early Rain Church's pastor, Wang Yi, remains imprisoned on spurious charges of 'inciting to subvert state power' and 'illegal business operations,' and members of the church continued to face harassment.

The third case study considered the experiences of Xiashangtang Church, an unregistered house church based in Wuhan, the epicentre of the COVID-19 outbreak, whose attempts to offer assistance in response to the pandemic

were refused because the church is considered an "illegal organisation."

In addition, in a new and worrying trend, some internet users in China have alleged that the January 2021 coronavirus outbreak in Hebei Province originated in a church, causing a storm of online hostility towards Christians, with some online commentators calling on such churches to be completely disbanded.

Those who have reported on the pandemic have also been targeted. On 28 December, authorities in Shanghai sentenced Christian human rights defender and former lawyer Zhang Zhan to four years in prison on charges of "picking quarrels and provoking trouble." Zhang was detained in May 2020 after she had travelled to Wuhan from where she posted videos and articles about the virus outbreak on social media. Her health is said to have deteriorated during her detention, and one of her lawyers has been disbarred.

Hong Kong

In June 2020, the National People's Congress Standing Committee, China's highest legislative body, passed a new national security law for Hong Kong amid grave human rights concerns raised by activists and residents. The law was met with fierce opposition from activists, residents, legal experts and democratic governments around the world, who believe the law is a serious threat to human rights and fundamental freedoms. Catholics, Protestants and Falun Gong practitioners have all expressed concern about the future of FoRB in the city.

Some faith groups who supported pro-democracy protesters are also concerned about retaliation from the authorities. On 7 December 2020, the Good Neighbour North District Church in Hong Kong reported that its HSBC bank account had been frozen. In an open letter to HSBC posted on Facebook, the church said the actions were an "act of political retaliation" for offering humanitarian aid to protestors.²

Uyghur forced labour issue

In July 2020, CSW joined over 180 organisations in launching a call to action by the Coalition to End Forced Labour in the Uyghur Region in response to credible reports that the mass arbitrary detentions in the XUAR are linked with forced labour. The Coalition estimates that roughly one in five cotton garments sold globally contains cotton and/or yarn from the Uyghur Region; it is virtually certain that many of these goods are tainted with forced labour.

¹ CSW, 'New research on China's urban house churches amid the COVID-19 pandemic', 21 September 2020
<https://www.csw.org.uk/2020/09/21/report/4811/article.htm>

²<https://www.facebook.com/GoodNeighbournd/photos/a.1563622323932137/2455525491408478/?type=3>

Human Rights Defenders

A number of human rights defenders remain missing or in detention, including human rights lawyer Gao Zhisheng, who is well-known for his courageous defence of religious minorities. Between 2006 and 2011 he was disappeared multiple times and suffered beatings and torture. From 2011-2014 he served a prison sentence. He was released in August 2014, only to disappear again in August 2017. His whereabouts are unknown but he is believed to be in some form of detention. In January 2021, news emerged of the suicide of Gao's sister in May 2020 after she had become depressed whilst worrying about her brother's suffering.

On 5 April 2020, human rights lawyer Wang Quanzhang was released from prison after completing a four and a half year sentence. Wang was initially detained incommunicado for three and a half years before being convicted of 'subversion of state power' and given a four-and-a-half-year prison sentence on 28 January 2019. Upon his release, Wang was immediately placed into a fourteen-day quarantine, hundreds of kilometres from his family. At the time of writing, Wang has been able to travel to Beijing to reunite with his family.

Recommendations

To the government of China:

- Protect the right of all people in China to freedom of thought, conscience and religion, in accordance with Article 18 of the ICCPR and the UDHR.
- Ensure that any form of registration system is optional, not mandatory, and is not used as a tool to control religious activities.
- Immediately release all prisoners of conscience detained in connection with their religion or belief and impartially investigate cases of wrongful imprisonment.
- Immediately and completely end all forms of forced organ harvesting.
- End the demolition of religious buildings as a means of limiting religious practice, and establish a complaints mechanism for religious groups affected.
- Immediately release human rights defenders detained or imprisoned in connection with their peaceful defence of the rights of others.
- 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.
- Abolish and end the use of re-education camps, and all forms of extra-legal detention, enforced disappearance and arbitrary detention.

- Protect the rights of detainees and prisoners and immediately cease all forms of torture and ill-treatment, and impartially investigate allegations and reports of torture and deaths in detention.

To the international community:

- At every possible opportunity, in public and in private, urge the Chinese government to respect, protect and promote the right to freedom of religion or belief for all people in China, and to implement the recommendations provided above.
- At every possible opportunity, in public and in private, condemn the use of re-education camps, and all forms of extra-legal detention, enforced disappearance and arbitrary detention.
- Investigate and monitor cases of human rights abuses including violations of the right to FoRB.
- Support all available means of investigation into human rights abuses in XUAR, including inquiries into whether abuses perpetrated by the Chinese government constitute crimes against humanity and genocide.
- Consider sanctions against policymakers responsible for human rights abuses including those responsible for the abuses in XUAR.