

Introduction

There has been a critical deterioration in the overall protection of human rights in China from 2013 to the present. 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.

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 close 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 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 have emerged from the camps; the 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 material and engaging in peaceful religious activities, including praying or wearing 'Islamic' clothing. The disappearance into these camps of hundreds of thousands of people has further heightened the already critical level of fear which pervades the region.

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 in Beijing, Guangdong, Sichuan, Henan, Guizhou and other places. Pastors who have spoken out against the violations have been detained and some have been sentenced to 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 authorities continue to detain and remove Catholic clergy without government approval.

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.

Falun Gong

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*' (usually translated as 'evil cult' or 'heterodox teaching') 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.

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.

Recent developments

A series of expert reports suggest that Falun Gong practitioners and other ethnic and religious minorities have been victims of forced organ harvesting. CSW is not able to independently verify these reports but is deeply concerned by the conclusions of an independent people's tribunal into forced organ harvesting, which concluded in June 2019 that "forced organ harvesting has been committed for years throughout China on a significant scale" and that "crimes against humanity against the Falun Gong and Uyghurs have been proved beyond reasonable doubt".

On 26 December 2019, Pastor Wang Yi, who leads the Early Rain Church in Chengdu, Sichuan province, China, was sentenced to nine years in prison on charges of 'inciting to subvert state power' and 'illegal business operations'. In addition to his nine-year prison sentence, the pastor is also deprived of his political rights for three years and personal assets of RMB 50,000 have been confiscated by the authorities. In August 2019 the UN Working Group on Arbitrary Detention adopted the opinion that the detention of Pastor Wang and his wife Jiang Rong, who has since been released on bail, was arbitrary.

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.

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 was 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, but remains under surveillance.

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 cultural genocide.
- Consider sanctions against policymakers responsible for human rights abuses including those responsible for the abuses in XUAR.