

Context and legal framework

A key feature of China's legal system is the distinction between constitutional theory and political reality. While the Chinese constitution is nominally the supreme legal document, in practice, the Chinese Communist Party (CCP) holds overriding authority. This ensures that the CCP retains ultimate control over all state institutions, including the judiciary and the legislature. In 2007, former CCP General Secretary Hu Jintao introduced the 'Three Supremes Doctrine',¹ which directed that the judiciary must prioritise the CCP's cause, the people's interests, and the constitution, in that order, effectively subordinating the law to political objectives. This principle was further entrenched in March 2018 when the National People's Congress (NPC) amended the constitution to explicitly enshrine the CCP's leadership as a defining feature of the state, reinforcing the CCP's central and guiding role in governance.

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 refer to those carried out by religious communities registered with these associations. There is no space afforded to independent religious activities. Furthermore, registered religious communities are also subject to increasingly severe restrictions.

The key concern with Article 36 is that it merely articulates legal rights rather than fundamental rights, therefore the CCP can enact legislation which would effectively violate the right to freedom of religion or belief (FoRB) as stipulated in the International Covenant on Civil and Political Rights (ICCPR), which China signed in 1998, but is yet to ratify.

Under President Xi Jinping, China has introduced a series of measures which increase state control over religious activities. On 1 February 2018 the State Council introduced revisions to the 2005 Regulations on Religious Affairs. On 1 December 2020 Measures on the Administration of Islamic Haji Affairs came into force.² On 1 May 2021 new administrative measures on religious staff came into effect, which, among other conditions, require clergy to 'support the leadership of the Communist Party' (Article 3), and mandate that senior leaders must submit their personal information to the authorities every three to five years in order to remain in their position (Article 27).

On 1 March 2022 Measures for the Administration of Internet Religious Information Services came into effect which prohibit the sharing of religious content online without a permit, including through text messages, images, audio and video. The measures also prohibit religious content that 'induce[s] minors to believe in religion'.

In September 2023 the Measures for the Administration of Religious Activity Venues came into force, which stated buildings for religious activity required official evaluation and approval and were not to be used for activities that 'endanger national security, disrupt social order [or] damage national interests.' The measures further require religious venues to indoctrinate followers in CCP ideology. Article 3 stipulates that religious activity venues should uphold the leadership of the CCP, and those at the activities must uphold the socialist system and adhere to Sinicisation.³ Articles 28 and 36 require the venues to establish performance evaluation systems for their employees where CCP will then indoctrinate these members with policies of communism, national laws and regulations.

Measures for the Suppression of Illegal Social Organisations, formulated by the Ministry of Civil Affairs, came into force on 1 May 2025. Article 3 specifically spells out that organisations carrying out activities without registration would be deemed illegal. These new measures will push the unregistered religious groups into a tighter spot to either succumb to CCP supremacy or being closed and their leaders punished.

In 2017 China's Supreme People's Court and Supreme People's Procuratorate expanded on the definition of xie jiao (usually translated as 'heterodox teachings' or 'evil cults'). The phenomenon is criminalised under Article 300 of the Criminal Law, which prohibits 'organising/using xie jiao to undermine implementation of the law' and carries a punishment of three to seven years imprisonment, 'or more'.

The expanded definition of xie jiao included 'illegal organisations, which, through fraudulent use of religion, qi gong, or any other name, by deifying and promoting their ringleaders, or by fabricating and spreading superstitious fallacies to confuse and deceive others, grow membership and control group members, and harm society'. This vague language leaves it open to misuse and gives the authorities the power to target legitimate religious activities, such as distributing and producing scriptures, or for being found in possession of religious literature.

There are no official government or legal documents defining any particular group as xie jiao that are accessible to the public. However, some groups are frequently targeted with the charge while others in the same region are largely left alone, underlining the arbitrary nature of the expanded definition of the charge.

On 24 October 2023 the Patriotic Education Law was passed by the National People's Congress. Article 22 stipulates that 'the State encourages and supports religious groups, religious colleges and places of religious activity to carry out education in patriotism' so that 'patriotic sentiments of religious clergy and believers' are enhanced and religions are guided 'to adapt to Socialist society'. The law provides

1 https://chinamediaproject.org/the_ccp_dictionary/three-supremes/

2 Lavicka, M. & Chen, J. Y.-W. (2023), 'New Measures for Governing Religions in Xi's China', China Report, Volume 59, No. 3, pp. 259-274.

3 Sinicisation refers to the subordination of religious groups to the CCP's political agenda through hrough regulations and state-controlled religious organisations. For more information see: <https://www.uscifr.gov/publications/sinicization-religion-chinas-coercive-religious-policy>

an additional means of promoting patriotism, which has long been integrated into all aspects of life, including in the news, entertainment, kindergartens, schools, colleges, workplaces, community spaces, courts, prisons, and military barracks, contributing to an ultranationalism that is increasingly intolerant to freedom of thought, conscience, religion or belief.

There are no provisions within China's constitution for a mechanism to review whether a law or a government decision violates the constitution. Judges do not have power to declare legislation inconsistent with the constitution invalid, and there is no body to review the constitutionality of legislation.

The goal of 'Sinicisation of religion'

Ever since President Xi called for the 'Sinicisation' of religions in 2016 the authorities have sought to comprehensively reshape religions to make them consistent with CCP ideology and to promote allegiance to the party and President Xi. All policies and laws of the CCP and the government are formulated around achieving the goal of 'adhering to the direction of Sinicisation'.

A study published by academics Hannah Theaker and David R. Stroup in November 2024, highlights that 'the foundation of Sinicisation goes beyond architecture, the campaign touches matters connected to theology, ritual, diet, dress, education, and mosque employment, among other things'.⁴

Under President Xi the plight of almost every religious and belief community has deteriorated amid a worsening situation of human rights across the country.

Unregistered/house churches

The Chinese government's control and suppression of house churches became increasingly severe in 2024. In addition to the common charges levelled against these churches, such as 'illegal gatherings' and 'fraud', other charges include 'illegal border crossing' and 'engaging with cult activities'.

The CCP also applies pressure on unregistered churches to join the Three-Self Church⁵ through punishment such as in the case of Maizhong Reformed Church in Fuyang, Anhui province, which was raided on 10 March and its leader, Elder Chang Shun detained for the third time in six months, together with eight other believers. Elder Chang had signed the 'Joint Statement: A Declaration for the Sake of the Christian Faith' by Pastor Wang Yi of Chengdu Early Rain Covenant Church in 2018, openly refusing to join the Three-Self Church.

Even being registered as a Three-Self Church does not guaranteed exemption from the CCP's crackdown. On 5 March 2025 the registered Xinyi Village Church in Huainan, Anhui was raided, with nine members detained. Four members, including pastor Zhao Hongliang, were placed under criminal detention while the remaining five were released on bail.

On 10 March 2025 Wheatseed Reform Church, an unregistered church in Fuyang, Anhui Province, which has refused to join the Three-Self Church, was raided and two Christians detained and accused of 'using cult activities to endanger society'.⁶

'Illegal border crossing' cases

Ma Yanhu, a Chinese Hui Muslim tour operator from Ningxia specialising in organising travel documents for Hajj pilgrims, was detained and arrested in 2023 and accused of facilitating an illegal pilgrimage to Mecca using fraudulent documents. The charges against Ma were arbitrary and unlawful, alternating between 'organising others to illegally cross the border' and 'illegal business operations' in order to obtain approval for his arrest and sentencing. While his defence lawyer argued that the charges violated the constitution and domestic law, his appeal was rejected, and he remains imprisoned under the charge of 'illegally crossing the border'.

Illegal gathering cases

On 9 December 2024, the sixth anniversary of the infamous on Chengdu Early Rain Covenant Church, the church's Deputy Deacon Zeng Qingtao, Preacher Yan Hong and Elder Li Yingqiang and his family of four, were seized from their homes at different times during the day by police officers and the Chengdu Wuhou District Political Security Bureau on charges of engaging in an 'illegal gathering'. Other members known to have been summoned include Pastor Wu Wuqing, Deputy Deacon Xiao Luobiao, Pastor Dai Zhichao, and several others.

On 10 February 2025 Hui Christian pastor Ma Yan was charged and tried for organising a gathering of no more than ten Christians in Jinfeng District, Yinchuan, Ningxia on 9 August 2024. He was later sentenced to nine months in prison on 24 March and was released on 17 April.

Fraud cases

From the 2018 CCP update to the Regulations on Religious Affairs Department to date, 13 unregistered churches have been accused of 'fraud' on the basis that the churches are not registered, so their collection of offerings constitutes

4 Theaker, H. & Stroup, D. (2024), 'Making Islam Chinese: Religious Policy and Mosque Sinicisation in the Xi Era' https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5130111

5 The Three-Self Church, commonly known as the Three-Self Patriotic Movement (TSPM), was established in 1954 as a state-recognised Protestant church organisation. It is part of the five officially recognised religious traditions in China and is strictly controlled by the CCP, which appoints its leaders and pastors.

6 Radio Free Asia, 'Police in China's Anhui detain 2 Christians for 'cult' activities', 19 March 2025 <https://www.rfa.org/english/china/2025/03/19/china-anhui-church-raid-cult/>

fraud. Church leaders convicted of these charges could face a sentence of more than ten years in prison.

Elder Li Yingqiang and Pastor Wu Wuqing, mentioned in the section above, were among the signatories of an open statement posted on X on 1 December 2024 decrying the Chinese government's use of accusations of 'fraud' to target unregistered churches.⁷

Targeting of Muslim communities

The CCP has a long history of oppression against Turkic Muslims in Xinjiang, and since the turn of the century, it has tightened its grip on in the region in the name of counter-terrorism. 2017⁸ saw the start of the establishment of so-called 'political re-education' camps in Xinjiang,⁹ where over one million people are being held. Most are Muslims of Uyghur ethnicity, but also included are Kazakhs and members of other predominantly Muslim ethnic groups.

The United States (US) government¹⁰ and a United Kingdom (UK) Tribunal¹¹ have determined that China's actions in the region constitute genocide, and a 2022 report by the United Nations (UN) Office of the High Commissioner for Human Rights (OHCHR) concluded these violations, which include sexual violence, forced labour, inadequate food and the administration of 'either injections, pills or both', among other forcible medical procedures, 'may constitute international crimes, in particular crimes against humanity'.¹²

Reports in June 2024 indicated the government is systematically renaming Uyghur villages with names of religious, historical, or cultural meaning for Uyghurs to reflect CCP ideology, giving them names such as 'Happiness', 'Unity' and 'Harmony'.

Alongside the ongoing crackdown on the Uyghurs, the ethnic Hui Muslim community, the largest of China's Muslim communities, is increasingly being targeted by the CCP. Originally focused on the Xinjiang region, where Uyghurs constitute a significant portion of the population, the crackdown has since expanded to Hui Muslim-majority regions, including Henan, Ningxia and Yunnan. The aforementioned report by Hannah Theaker and David R. Stroup provides an extensive study on CCP's systematic crackdown in the region.

Xie jiao designation

Groups that have been designated xie jiao have been targeted for decades. One of the largest is believed to be the spiritual movement Falun Gong. The group has been banned since 1999 following the establishment of an organisation informally known as the '610 office' whose mandate was initially to eradicate Falun Gong and was later expanded to include targeting other groups deemed to be xie jiao.

Criminal charges are brought against Falun Gong followers on a daily basis. Many are subsequently denied access to legal counsel, and human rights lawyers who have represented Falun Gong clients have had their licenses revoked. There are also widespread and credible reports of Falun Gong practitioners dying in custody following torture.

According to Minghui.org, 2,828 Falun Gong practitioners were arrested and 2,864 practitioners experienced harassment in 2024, with a further 164 reported to have died and 764 being sentenced.¹³ In January and February 2025 a total of 518 incidents of Falun Gong practitioners being arrested or harassed for their faith were reported; the figures included 244 arrests and 274 harassment cases.¹⁴

Thirteen new deaths were reported in March 2025, which include one in 2019, one in 2020, one in 2023, three in 2024, and seven in 2025. Minghui.org cited that the strict information censorship by CCP meant that the persecution of Falun Gong practitioners cannot always be reported on time, nor is all the information needed to document such cases readily available.

Also believed to be criminalised is a group known as The Shouters (huan pai). Anyone found in possession of a copy of the Recovery Bible or books written by Watchman Nee and Witness Lee risks being designated a member of The Shouters and prosecuted, even though there is no publicly accessible document which prohibits the group's existence.

The Tibetan Autonomous Region

In February 2024 the government reportedly detained over 1,000 Tibetans amidst peaceful protests over a dam project that would force two villages to relocate and destroy six Buddhist monasteries in Sichuan Province, in the

7 CSW, 'Human rights lawyers and religious leaders decry systematic accusations of 'fraud' against unregistered churches', 5 December 2024 <https://www.csw.org.uk/2024/12/05/press/6387/article.htm>

8 The Anti-Terrorism Law for the Xinjiang Uygur Autonomous Region (XUAR) has been in force since August 2016, and De-radicalization Regulations for XUAR have been in force since April 2017.

9 CSW, 'China: Freedom of religion or belief: the untold stories', 3 February 2023 <https://www.csw.org.uk/2023/02/03/report/5928/article.htm>

10 United States Holocaust Memorial Museum, 'US Responses to China's Crimes Against the Uyghurs' <https://www.ushmm.org/genocide-prevention/countries/china/us-responses-to-chinas-crimes-against-the-uyghurs>

11 CSW, 'UK Tribunal finds Chinese State responsible for genocide in Uyghur region', 9 December 2021 <https://www.csw.org.uk/2021/12/09/press/5503/article.htm>

12 OHCHR, 'OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China', 31 August 2022 <https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assessment.pdf>

13 Minghui.org, '5,692 Falun Gong Practitioners Arrested or Harassed in 2024 for Their Faith', 20 January 2025 <https://en.minghui.org/html/articles/2025/1/20/223746.html>

14 Minghui.org, 'Reported in January and February 2025: 518 Falun Gong Practitioners Arrested or Harassed for Their Faith', 14 March 2025 <https://en.minghui.org/html/articles/2025/3/14/225839.html>

southwest.¹⁵ The detainees were held in various locations in Dege county in Kardze Tibetan Prefecture. More than 100 Buddhist monks from the Wonto and Yena monasteries in Upper Wonto village were among them. Reports emerged of detainees being deprived of food and being violently beaten by police, with many requiring hospital treatment.

The Wonto and Yena monasteries, which are closest to the planned project site, are home to around 300 monks and are of great cultural and religious significance. Wonto Monastery is famous for its ancient architecture and murals dating back to the 13th century.

Hong Kong

In addition to the National Security Law imposed in 2020, further security legislation in the form of Article 23 was enacted in Hong Kong in March 2024 covering offenses such as treason, sedition and the handling of state secrets, and allows for trials to be conducted behind closed doors. The broad and ambiguous language of both laws gives authorities wide discretion to interpret a range of actions as threats to national security. This has fostered an atmosphere of fear and self-censorship among all civil society including religious communities, particularly when religious expression touches on social or political issues.

An ongoing clampdown on the freedoms of expression and of the press, of which the sentencing of 45 pro-democracy activists and Catholic entrepreneur Jimmy Lai was the latest example,¹⁶ has had a chilling effect, causing the steady closure of civic space and serving as a harbinger of wider violations.

Update on Zhang Zan

Christian human rights defender Zhang Zhan, who was released from prison on 13 May 2024¹⁷ after completing a four-year prison sentence for 'picking quarrels and provoking trouble,' was re-detained in August 2024 for assisting a young democracy activist and has been in detention ever since. She reportedly began a hunger strike on 25 January 2025 and has been force-fed by the detention centre.

According to a report by Asia News published on 24 March,¹⁸ Zhang is expected to appear in court soon, facing renewed charges of 'picking quarrels and provoking trouble' under Article 293 of the Penal Code for her defence of the right to FoRB, defending a colleague and human rights activist. The trial date is unknown.

Recommendations

To the government of China:

- Ratify the International Covenant on Civil and Political Rights (ICCPR); the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED); and the Optional Protocols to the Convention against Torture (CAT), to the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Protect the rights of all people in China to freedom of thought, conscience and religion or belief, in accordance with Article 18 of the ICCPR and UDHR. This includes amending Article 36 of the constitution and revising all regulations and legislation pertaining to religion to ensure they align with international standards, and avoid vague wordings that allow broad interpretations.
- Guarantee, in law and in practice, the right to publicly manifest one's religion or belief in worship, observance, practice, and teaching without interference, as well as the right for religious or belief communities to choose their own religious leaders and teachers without state interference.
- Guarantee, in law and in practice, the freedom of religious or belief communities to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications.
- Ensure that the Measures for the Suppression of Illegal Social Organisations exclude gatherings of religious groups in accordance with Article 18 of the ICCPR and the UDHR.
- Repeal laws and regulations pertaining to xie jiao, including Article 300 of the Criminal Law.

To the European Union and Member States:

- Make urgent representations to the Chinese authorities regarding individual cases (such as the re-detention of Ms Zhang) requesting clarification on both the wellbeing of prisoners and the reasons for detentions. Urge them either to proffer legitimate charges in line with international human rights standards or ensure immediate releases.
- Continue to assess the expediency of the EU-China human rights dialogue. In case of its further iterations, maintain the practice of listing individual cases within the statement that the EU unilaterally makes following the annual human rights dialogue. This should continue to be shared on platforms with wide readership inside

¹⁵ Radio Free Asia, 'China arrests more than 1,000 Tibetans protesting dam project', 23 February 2024 <https://www.rfa.org/english/news/tibet/protesters-arrested-02232024164340.html>

¹⁶ CSW, 'CSW condemns sentencing of 45 pro-democracy activists in Hong Kong,' 22 November 2024 <https://www.csw.org.uk/2024/11/22/press/6360/article.htm>

¹⁷ CSW, 'Christian human rights defender Zhang Zhan released from prison', 23 May 2024 <https://www.csw.org.uk/2024/05/23/press/6234/article.htm>

¹⁸ Asia News, 'Zhang Zhan, Christian blogger who reported on Wuhan, goes on trial again', 24 March 2025 <https://www.asianews.it/news-en/Zhang-Zhan,-Christian-blogger-who-reported-on-Wuhan,-goes-on-trial-again-62750.html>

China such as Weibo, given that Embassy posts are not censored.

- The EU Delegation and Embassies should continue to monitor the FoRB situation closely, and request trial monitoring and prison visits.
- Following the Corporate Sustainability Due Diligence Directive, Forced Labour Regulation, the 'de-risking' agenda, and the freezing of the Chinese Agreement on Investment, continue to consider economic measures that remove or minimise the potential for European complicity in economic activities relating to human rights violations in China.
- Consider imposing sanctions on individuals and entities responsible for human rights violations.
- Urge the government of China, at every appropriate opportunity (including the regular Executive Vice-President level meetings), to make the reforms highlighted in the Recommendation section above 'To the government of China'.

To the United Nations and Member States:

- Establish an independent international investigative mechanism on China, with regular reporting to the UN HRC and UN General Assembly (UNGA), to build on the Office of the United Nations High Commissioner's (OHCHR's) XUAR report in 2022.
- Call on China to extend a standing invitation to UN Special Procedures, granting unhindered access to all parts of the country, including XUAR, Tibet and Ningxia Hui Autonomous Region. In addition, ensure full and unhindered access to the UN High Commissioner for Human Rights, his office, and other international human rights bodies and experts.
- Urge all relevant UN mechanisms, including the UN Special Procedures and Treaty Bodies, to include the right to freedom of religion or belief in their reporting on China, addressing the specific vulnerabilities and violations faced by religion or belief communities and those seeking to defend them.
- Consider targeted sanctions against policymakers and others responsible for human rights abuses in China.
- Ensure that individuals from XUAR and those belonging to ethnic and/or religion or belief communities are not forcibly deported to China, given the high risk of arbitrary detention and ill treatment for those returning from overseas.
- Urge the government of China, at every appropriate opportunity, to make the reforms highlighted in the recommendation section above 'To the government of China'.

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