

Freedom of religion or belief: Legal framework

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. 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 Chinese Communist Party (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.¹ 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 July 2023 Measures for the Administration of Religious Activity Venues were issued 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.’

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 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.

Recent themes

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

Increasing control

According to the principle of legal supremacy, laws passed by the National People’s Congress (NPC) are higher in ranking than administrative regulations passed by the State Council.

At the NPC meeting held in March, delegates rubber-stamped an update to a law governing the organisation of the State Council, which was seen as formalising the body’s role to carry out the directives of the CCP.

1 Lavicka, M., & Chen, J. Y.-W. (2023). New Measures for Governing Religions in Xi’s China. *China Report*, 59(3), 259-274. <https://doi.org/10.1177/00094455231187046>

The policy of 'Sinicisation of religion'

There has been fresh emphasis on the requirement that all religious communities in China 'sinicise' by becoming 'Chinese in orientation' and adapting to 'socialist society'. However, 'sinicisation' of religions and beliefs increasingly appears to be both a means of bringing all religious activities under state control, and an escalation of efforts to align all religious beliefs and practices with the CCP's core ideological principles.

At the June meeting in Beijing, Shi Taifeng, head of the Central United Front Department, reportedly stated that 'adhering to the orientation of our country's religions toward Sinicisation is the only viable way to actively guide religions to adapt to socialist society.'

At another June meeting held in Xi'an, attended mostly by leaders of the government-controlled Three-Self Patriotic Movement (TSPM), the meeting organisers affirmed that the CCP needed to gain further control of Christianity in China.

Sino-Vatican agreement

On 22 October 2024 China and the Vatican renewed their non-disclosed agreement on the appointment of Catholic Bishops, this time for four years, the third renewal since the agreement was concluded in 2018. Key concerns surrounding this agreement include its secret and still undisclosed text, that it gives an atheistic and repressive CCP regime a key role in the appointment of bishops, and that it may have effectively ensured the pope's silence on the worsening human rights situation in China.

Trends

Unregistered/house churches

The Chinese government's control and suppression of house churches has become increasingly severe in 2024. The main charges leveled against these churches are either 'illegal gatherings' or 'fraud.'

Illegal gathering cases

a) Early Rain Covenant Church (9 December 2024)

On the sixth anniversary of the infamous '129 Crackdown'² on Chengdu Early Rain Covenant Church, while Early Rain Covenant held a day of fasting and prayer, 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.

Elder Li Yingqiang and Pastor Wu Wuqing were among the signatories of an Open Statement posted on X on 1 December 2024 decrying the Chinese government's accusation of 'fraud' against unregistered churches³ (see below on 'fraud').

b) Churches in Beijing (Sept-Oct 2024)

In October, the police, together with multiple departments in Beijing's Chaoyang District, launched a surprise raid on a number of Sunday service gatherings in the district simultaneously, and forcibly took away 12 members of Zion Church, including Elder Qin Guoliang, who was charged with 'illegal gathering' and detained for 14 days.

On a separate occasion, on 7 July, while a group of Christians from Zion Church were gathering in Beijing Haidian District, the meeting was interrupted by 20 officials from different departments, who checked on their identities, specifically targeting young people and university students. Elder Chai Qing, 60, and two 27-year-old workers were detained for 14 days while other students were subsequently called for questioning by the authorities.

c) Fengqing County (August 2024)

A woman named Fan, who invited around 20 church members to her home for bible reading and to pray for her sick husband, was accused of illegal gathering, was made to sign a guarantee letter and was fined 5,000 yuan. According to a CSW source, in the past ten years, half of the churches in Fengqing County have been demolished, and villages were told that any gathering of more than four people would be deemed illegal.

Fraud cases

a) Linfen Covenant Home Church & 12 other unregistered churches

From when the CCP updated the Regulations on Religious Affairs Department in 2018 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 fraud. Church leaders convicted of these charges could face a sentence of more than ten years in prison.

b) Hajj Pilgrimage

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 defense

² CSW, 'Police arrest 100 members of Early Rain Church', 10 December 2018 <https://www.csw.org.uk/2018/12/10/press/4170/article.htm>

³ 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>

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’.

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 local Muslims in the name of counter-terrorism. 2017⁴ saw the start of the establishment of concentration camps in Xinjiang,⁵ 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) government⁶ and a United Kingdom (UK) Tribunal⁷ have determined that China’s actions in the region constitute genocide, and a 2022 report by the 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’.⁸

Reports in June 2024 indicated the government had been systematically renaming Uyghur villages with names of religious, historical, or cultural meaning for Uyghurs to reflect Communist Party 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.

For example, in 2023 the government was reported to be reducing the number of mosques in Gansu and Ningxia provinces significantly by decommissioning, shutting down, demolishing and converting them for secular usage as part of its sinicisation efforts.⁹ Other methods included removing architectural features such as domes and minarets and

appointing politically trained imams to promote a sinicised version of Islam.

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, 1,188 Falun Gong practitioners are known to have been sentenced by Chinese authorities in 2023, with Shandong Province and the northeastern provinces having the highest numbers.¹⁰ A total of 209 people were also reported to have died as a result the ongoing crackdown of Falun Gong in 2023.

Also believed to be criminalised is a group known as The Shouters (huhan 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.

Repression in Sichuan Province, the Tibetan Autonomous Region

In February 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 southwest.¹¹ 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.

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

5 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>

6 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>

7 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>

8 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>

9 Human Rights Watch, ‘China: Mosques Shuttered, Razed, Altered in Muslim Areas’, 22 November 2023 <https://www.hrw.org/news/2023/11/22/china-mosques-shuttered-razed-altered-muslim-areas>

10 Minghui.org, ‘In 2023, 1,188 Falun Gong practitioners were found to have been wrongfully sentenced’, 6 January 2024 <https://www.minghui.org/mh/articles/2024/1/6/2023%E5%B9%B4%E8%8E%B7%E7%9F%A51188%E5%90%8D%E6%B3%95%E8%BD%AE%E5%8A%9F%E5%AD%A6%E5%91%98%E9%81%AD%E6%9E%89%E5%88%A4-470665.html>

11 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>

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.

According to the International Campaign for Tibet (ICT), the accelerating construction of hydropower dams along Tibet's major rivers has affected at least 144,468 people so far, with 121,651 people expelled since 2000 and a further 22,817 expected to be expelled.¹²

Hong Kong: Repression through security legislation

In addition to the National Security Law imposed in 2020, further security legislation in the form of Article 23 was enacted in March 2024, which covers treason, sedition and state secrets, and allows for trials to be held behind closed doors. This legislation is expected to tighten the CCP's control over Hong Kong.

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,¹³ has had a chilling effect, causing the steady closure of civic space and serving as a harbinger of wider violations.

Human rights are indivisible, interdependent, interrelated and mutually reinforcing, thus 'when freedom of expression is taken away, freedom of conscience is inherently undermined.'¹⁴ Thus while Hong Kong has yet to face the severity of the repression currently underway in mainland China, FoRB is increasingly being suffocated through fear, coercion and co-option.

Update on Zhang Zhan

Christian human rights defender Zhang Zhan, who was released from prison on 13 May 2024¹⁵ after completing a four-year prison sentence for 'picking quarrels and provoking trouble,' has been detained once again.

According to Amnesty International, Ms Zhang was re-detained in August 2024 and is being held at the Pudong New District Detention Center in Shanghai.¹⁶ Prior to her re-detention, she had been taken in regularly and repeatedly for police questioning, with some interrogations lasting over 10 hours.

No official reason has been given for her recent detention, but there is speculation she was targeted because she

continued to advocate for human rights following her release.

Ms Zhang was initially detained by Shanghai police on 14 May 2020 for reporting on the COVID-19 pandemic from Wuhan. In December 2020 she was sentenced to four years in prison by the Pudong New District Court, in a closed-door trial that lasted less than three hours. The charges against Ms Zhang were unfounded and are frequently used to target human rights defenders.

Recommendations

To the government of the United Kingdom:

- Urge the government of China to ratify the International Covenant on Civil and Political Rights; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Optional Protocols to the Convention against Torture, to the Convention on the Elimination of All Forms of Racial Discrimination and to the Convention on the Elimination of All Forms of Discrimination against Women; and to bring all domestic legislation, including laws impeding full enjoyment of the right to freedom of religion or belief, into alignment with international norms and standards, repealing or amending such laws as Article 300 of the Criminal Law, which are vague and open to misuse.
- Call on the Chinese government to amend Article 36 of its Constitution, by explicitly recognising both the internal dimension (forum internum) and external manifestation (forum externum) of freedom of religion or belief. This includes guaranteeing the right to publicly manifest one's religion or belief in worship, observance, practice, and teaching without interference, including the freedom of religion and belief communities to choose religious leaders, priests and teachers without state interference, the freedom to establish seminaries or religious schools and the freedom to prepare and distribute religious texts or publications.¹⁷
- Call for the removal of restrictive qualifiers such as 'normal religious activities' from Article 36, and for the repealing of Article 300 of the Criminal Code, in order to ensure equal protection for all religious and belief communities, including unregistered groups.
- Encourage the government of China to ensure greater transparency in matters concerning religious and belief communities, including facilitating public access to information on groups designated as 'xie jiao.' Also advocate for the elimination of secret agreements,

12 International Campaign for Tibet (ICT), 'Chinese Hydropower, Damning Tibet's Culture, Community, and Environment' 5 December 2024, <https://savetibet.org/chinese-hydropower/>

13 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>

14 Hong Kong Watch, 'The Hong Kong government is slowly suffocating religious freedom', Benedict Rogers, 10 November 2023 <https://www.hongkongwatch.org/all-posts/2023/11/10/the-hong-kong-government-is-slowly-suffocating-religious-freedom-benedict-rogers>

15 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>

16 Amnesty International, 'China: Re-detention of activist Zhang Zhan highlights Beijing's intolerance of dissent', 4 September 2024 <https://www.amnesty.org/en/latest/news/2024/09/china-re-detention-of-activist-zhang-zhan-highlights-beijings-intolerance-of-dissent/>

17 UN Human Rights Committee General Comment 22, 'CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)' <https://www.refworld.org/legal/general/hrc/1993/en/13375>

such as the Sino-Vatican accord, which may undermine freedom of religion or belief by enabling state interference in key religious appointments.

- Urge the Chinese government to cease the enforcement of 'sinicisation' policies, which distort religious doctrines and practices to align with Chinese Communist Party ideology.
- Advocate for the discontinuation of measures that compel religious communities to integrate patriotism education into religious instruction, ensuring that religious beliefs and practices can be observed free from state interference and ideological manipulation.
- Urge the government of China to repeal or amend the National Security Law and Article 23, ensuring these laws do not suppress freedom of expression or other fundamental rights, and to review recent excessive sentences delivered in circumstances militating against due process.
- Call for an end to the crimes against humanity directed at the Uyghur community, to the mistreatment of ethnic Hui Muslims, and to the targeting of religious communities on counter-terrorism/extremism grounds
- Demand the immediate closure of internment camps in Xinjiang, restoration of demolished mosques, and the cessation of policies aimed at erasing religious and cultural identities, including the reversal of construction projects in Sichuan Province that threaten Tibetan religious and cultural heritage sites.
- Make urgent representations to the Chinese authorities regarding the arbitrary nature of the re-detention of Ms Zhang, requesting clarification on both her wellbeing and the reasons for her renewed detention, and urging them either to proffer legitimate charges in line with international human rights standards, or ensure her immediate release.

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