

Freedom of religion or belief and arbitrary detention in the People's Republic of China

Introduction

1. CSW (Christian Solidarity Worldwide) is a human rights organisation specialising in the right to freedom of religion or belief (FoRB) for all.
2. CSW continues to be alarmed by the arrests and detentions of citizens in connection with their religion or belief in the People's Republic of China and seeks to bring this to the UN Human Rights Council's attention.
3. While conditions vary across the country, and among religion or belief communities, arrests on the basis of religion or belief highlight the deteriorating environment for FoRB under the Chinese Communist Party (CCP). There are clear indicators of the CCP's intent to control all forms of religious practice and to shut down space for independent religion or belief activities outside the state-sanctioned system. Violations include forced closure of religious activities, demolition of sites of worship, and the harassment, detention and imprisonment of religious leaders and adherents. In the most severe cases, there are ongoing reports of torture and deaths in detention.

Arrests and detentions

4. The addition of articles relating to 'national security' in the revised Regulation on Religious Affairs (RAA), which came into effect in February 2018, and references to 'religion' in the National Security Law (Article 27), frame religion as a potential tool of foreign infiltration which may undermine national security, legitimising further restrictions on FoRB.
5. The RAA states that 'religious groups, religious schools, and religious activity sites and religious affairs, are not to be controlled by foreign forces' (Article 5) without clarifying the meaning of 'control' by foreign forces, and stipulate that religion must not be used to endanger national security (Article 4).¹ These provisions, in addition to strict parameters on collective religious activities and religious communication, have the potential to be used to place further restrictions on religious groups.
6. In 2015, the then-UN High Commissioner for Human Rights expressed deep concern about the consequences of the National Security Law may for human rights, stating that 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. This 'open door' has led to thousands of religion or belief adherents, citizen journalists, NGO staff and human rights defenders being arrested, charged, arbitrarily detained or even forcibly disappeared.

7. Members of government-registered and unregistered/independent religion or belief groups, and those labelled as xie jiao (usually translated as 'evil cults' or 'heterodox teachings'), can all face different forms of discrimination and oppression. The Chinese authorities may target unregistered church leaders with state security or financial charges, including 'inciting subversion of state power', 'divulging state secrets', 'illegal business operation', and 'fraud'. Those considered as xie jiao, such as Falun Gong and the Church of Almighty God (CAG, also known as Eastern Lightning) are actively pursued and persecuted by the authorities. 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 detention, surveillance, and deprivation of political rights, fines, or combined penalties with fines, up to a maximum sentence of life imprisonment.²

Forms of detention

8. Human rights violations perpetrated by the Chinese government against individuals in connection with their religion or belief, or their defence of the right to FoRB, include arbitrary detention. The deprivation of liberty can take the form of administrative detention, criminal detention, enforced disappearance including residential surveillance at a designated location (RSDL), and detention in so-called re-education camps.
9. RSDL is a particularly concerning measure, under which an individual can be held in a 'police-designated' location for up to six months. Individuals held under RSDL report having no contact with family or access to legal representation. Under these conditions, torture is unlikely to be investigated and much more likely to occur in the first place.
10. CSW also remains concerned over the mass arbitrary detention of Uyghurs, Kazakhs and members of other ethnic groups detained in 're-education camps' since at least 2017 without charge in Xinjiang Uyghur Autonomous Region (XUAR). Many detainees are Muslim, including Muslim religious and community leaders. Reasons for detention include having relatives living abroad, accessing religious materials online, having visited certain 'sensitive' countries, communal religious activities, behaviour indicating 'wrong thinking' or 'religious extremism', and sometimes no reason is given at all.

Detention Conditions

11. CSW remains concerned about repeated reports of lack of access to legal representation, family visit, repeated delays to trial hearings, use of torture, cruel, inhumane and degrading treatment, forced labour, forced organ

1 Full sentence: 'Religion must not be used by any individual or organization to engage in activities that endanger national security, disrupt public order, impair the health of citizens or obstruct the State educational system, as well as other activities that harm State or societal public interests, or citizens' lawful rights and interests, and other such illegal activities.' Translation available from www.chinalawtranslate.com/en/religious-affairs-regulations-2017/

2 Dui Hua, 'Will a New Judicial Interpretation on Cults Lead to Greater Leniency?', 24 February 2017 www.duihuajournal.org/2017/02/

harvesting, and poor sanitary conditions.

12. The use of extra-legal detention facilities, essentially secret prisons, and RSDL, means instances of torture are extremely unlikely to be investigated and more likely to occur in the first place. At the time of writing a number of human rights defenders and religious leaders remain subject to arbitrary detention and enforced disappearance, including human rights lawyer Gao Zhisheng.
13. Allegations of organ harvesting are also alarming. According to a recent communication by UN Special Procedures, 'forced organ harvesting in China appears to be targeting specific ethnic, linguistic or religious minorities held in detention.'³
14. Conditions in the abovementioned camps in XUAR are also of deep concern. Witnesses report that detainees are compelled to renounce Islam and promise not to follow religion. Detainees have been forced to eat pork or drink alcohol, against their religious beliefs. Conditions are reportedly unsanitary and overcrowded. This is even more worrisome given the ongoing global Covid-19 pandemic. Detainees are subject to beatings, sleep deprivation, forced medication and solitary confinement. Reports have also emerged of detainees being transferred to prisons in Heilongjiang, Shandong and other parts of China.
15. In July 2020, CSW joined more than 180 organisations in initiating a call to action by the Coalition to End Forced Labour in the Uyghur Region in reaction 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.

Recommendations

To the people's Republic of China:

16. Immediately release all prisoners of conscience detained in connection with their religion or belief and impartially investigate cases of wrongful imprisonment.
17. Abolish and end the use of re-education camps, and all forms of extra-legal detention, enforced disappearance and arbitrary detention, and release detainees immediately and without condition.
18. 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.

19. Immediately and completely end all forms of forced organ harvesting.

To the international community:

20. 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.
21. Given the high risk of arbitrary detention and ill treatment for those returning to Xinjiang Uyghur Autonomous Region (XUAR, also known as East Turkestan by many Uyghurs), from overseas, individual national governments should also ensure that individuals from XUAR and those belonging to ethnic and/or religion or belief minorities are not forcibly deported to China.

³ China: UN human rights experts alarmed by 'organ harvesting' allegations, 14 June 2021 <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27167&LangID=E>

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free to believe**

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