



*The door of a Chinese church. Photo: CSW*

# CHINA

## FREEDOM OF RELIGION OR BELIEF

OCTOBER 2016 · FOR PUBLIC USE

### CONTENTS

Introduction	1
Regulations and policies: recent developments	2
Regulations on religious affairs	2
Foreign infiltration and national security	3
Management and containment	3
Less autonomy for individual religious groups	4
Acknowledgement of problems	4
Communication and proselytising	4
Concluding remarks	4
Freedom of religion or belief defenders	5
Demolitions and evictions at Tibetan Buddhist institutes	5
Cross removals in Zhejiang Province	6
Disappearances of Catholic clergy	6
Falun Gong and organ harvesting	7
Recommendations	7

### INTRODUCTION

Restrictions on the right to freedom of religion or belief are still a key concern in China. The Chinese constitution protects 'normal' religious activities (Article 36). In practice this refers to activities under the five officially recognised religious traditions (Buddhism, Taoism, Islam, Protestantism and Catholicism), which are overseen by seven state-sanctioned associations.

The reality for religion and belief communities in China is still very much a mixed picture, and conditions vary according to religion, location, ethnicity, attitude of local officials as well as other factors. However, as far as it is possible to generalise, the overall level of freedom of religion or belief in the country has decreased under Xi Jinping. The government's main goal appears to be to tighten control over registered religious groups at the same time as forcing religious groups outside the state-sanctioned structure<sup>1</sup> to either register or disband.

This downward trend fits into a broader pattern of increasing human rights abuses under President Xi, accompanied by and manifested through a shrinking space for civil society, a heightened sensitivity to perceived challenges to Party rule, and the introduction of legislation that curtails civil and political rights in the

<sup>1</sup> That is, unregistered groups independent of the state-sanctioned religious patriotic associations. Unregistered Protestant churches as sometimes referred to as 'house churches' or 'family churches'. These terms are used interchangeably.

name of national security. Concern about the increase in the scope and severity of human rights violations, and the treatment of belief communities, has been expressed at the United Nations both by the UN High Commissioner for Human Rights<sup>2</sup> and by member states.<sup>3</sup>

## REGULATIONS AND POLICIES: RECENT DEVELOPMENTS

When Xi Jinping came to power, many observers thought that pressing issues such as slowing economic growth and widespread discontent over environmental pollution would mean that religion and belief would not rate highly on Mr Xi's list of concerns. However, an April meeting in Beijing on religion presided over by Mr Xi himself, and amended regulations on religion (not yet enacted at the time of writing), have challenged this view.

The rhetoric which came out of the Beijing meeting, on the need for religious groups to 'adhere to the leadership of the CPC [Communist Party of China], and support the socialist system and socialism with Chinese characteristics',<sup>4</sup> was to some degree already familiar. In 2014 the director of China's State Administration for Religious Affairs told a seminar on the sinicization of Christianity that "Chinese Christian theology should be compatible with the country's path of socialism," and should "adapt to China's national condition and integrate with Chinese culture."<sup>5</sup>

2 In September 2016 the UN High Commissioner for Human Rights reiterated his deep concern over allegations of discrimination, torture and ill-treatment, enforced disappearances and deaths in custody of members of ethnic and religious communities.

United Nations Office of the High Commissioner for Human Rights, Opening Statement by Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, at the 33rd session of the Human Rights Council [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20474](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20474)

3 At the 33rd Regular Session of the UN Human Rights Council the UK delegation expressed concern about restrictions on freedom of religion or belief and expression in China, and stated that "new laws and regulations affecting media, NGOs and religious groups must expand the space for independent civil society and safeguard religious freedom and belief".

UK Government, Human Rights Council 33, statement delivered under Item 4, 19 September, 2016 [www.gov.uk/government/world-location-news/human-rights-council-33-statement-delivered-under-item-4-19-september-2016](http://www.gov.uk/government/world-location-news/human-rights-council-33-statement-delivered-under-item-4-19-september-2016)

4 Xinhua, 'China Focus: Xi calls for improved religious work', 23 April 2016 [http://news.xinhuanet.com/english/2016-04/23/c\\_135306131.htm](http://news.xinhuanet.com/english/2016-04/23/c_135306131.htm)

5 China Daily, 'China plans establishment of Christian theology', 7 August 2014 [http://europe.chinadaily.com.cn/china/2014-08/07/content\\_18262928.htm](http://europe.chinadaily.com.cn/china/2014-08/07/content_18262928.htm)

In this sense, the Beijing conference was remarkable not for its content – at least the content which was publicised – as much as for the weight lent to it by the presence of six out of seven Politburo Standing Committee members, including the president of China. The last meeting on religion held at his level was in 2001.

The concept of sinicization has been further articulated in the five introductions and five transformations (wujin, wuhua), which were first propagated in Zhejiang in 2015, according to one Wenzhou pastor.<sup>6</sup> The five introductions refer to the introduction of or penetration into Chinese churches of:

- Law and policy
- Healthcare and science
- Traditional culture
- Public charity
- Peaceful/harmonious development.

The five transformations refer to:

- The localisation of religious architecture
- Localisation of preaching
- Sinicization of theology
- Making church finances public
- Systematising church management.

On the face of it, these introductions and transformations appear very positive: indeed, many churches are already engaged in significant charity work, endeavour to make their financial transactions transparent, and manage their activities efficiently and safely. However, some church leaders are concerned that these policies are being used to justify closer monitoring and control of church activities. In addition, while the majority of Christians attending churches outside the state-sanctioned Three Self Patriotic Movement (TSPM) would consider themselves law-abiding patriotic citizens, such policies highlight their irregular legal status. For years unregistered Protestant churches have existed – and flourished – without legal recognition; and the authorities have restricted activities in some churches while turning a blind eye to others. There are signs now that this period of de facto toleration for some unregistered church activities is rapidly coming to a close, and some pastors feel that the wujin, wuhua policy is part of that change.

## REGULATIONS ON RELIGIOUS AFFAIRS

A more concrete outcome of the Beijing conference, and most likely a series of other private meetings, emerged in early September when the State Council released for

6 China Change, 'Second Interview With the Wenzhou Pastor: After the Demolition Comes the "Transformations"', 15 December 2015 <https://chinachange.org/2015/12/15/second-interview-with-the-wenzhou-pastor-after-the-demolition-comes-the-transformations/>

public comment draft amendments to the Regulations on Religious Affairs (RRA), which came into effect in 2005. The deadline for comment was 7 October and the amendments are expected to be enacted soon after; at the time of writing they have not yet been enacted. The draft bill adds 26 new articles to the original 48 and covers the following areas:

- General legal provisions
- Religious groups
- Religious schools
- Sites for religious activities
- Religious professionals
- Religious activity
- Religious assets
- Legal responsibility

Some of the key themes running through the amended regulations are discussed below. Extracts from the draft are taken from a translation by China Law Translate.<sup>7</sup> In 'China's Religion Law: 2005 vs. 2016' Thomas David DuBois has also translated the original 2005 Regulations alongside the new amendments.<sup>8</sup>

## FOREIGN INFILTRATION AND NATIONAL SECURITY

Consistent with recent official comments and rhetoric on religion, the amendments warn against 'foreign infiltration' and prohibit the use of religion to harm national security. The 2005 Regulations warned against the use of religion to harm national interests (Article 3 of the 2005 Regulation); however, the 2016 draft specifically prohibits using religion to endanger 'national security' (Article 4), and references to international connections and contact with foreign entities are more frequent. Alongside broad and ambiguous references to national security and foreign infiltration there are specific regulations on contact with overseas groups. For example, Article 67 of the draft stipulates that 'religious citizens' may not leave the mainland to participate in religious activities without authorisation, and can be fined for doing so.

The treatment of religious activities as potentially harmful to national security is consistent with other recently introduced legislation. On 7 July 2015 the UN High Commissioner for Human Rights expressed concern about the human rights implications of the national security law adopted on 1 July 2015.<sup>9</sup> The High Commissioner said 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.

Article 27 of the National Security Law concerns religion and belief. Like the 2005 Regulations, the Article reaffirms the state's protection of 'normal religious activities', but goes on to say that the state opposes foreign interference in domestic religious affairs, and 'shuts down cult organisations in accordance with law'. Including religious activities in a law on national security makes them a national security issue, thereby giving weight to other policies and measures curtailing freedom of religion or belief.

## MANAGEMENT AND CONTAINMENT

Although the draft retains an article guaranteeing citizens' freedom of religious belief (Article 2), the control, management and containment of religious activities are themes which run throughout the text. The 2005 Regulations also focused on these issues; however, there are some important additions to the draft text, notably on issues concerning religious education and schools, financial management, and buildings used for religious activities. As mentioned above, financial management is one of the areas of focus of wujin, wuhua, while religious education and religious buildings have both been areas of contention between Christian churches and the state in recent years (see section below, 'Cross removals in Zhejiang Province').

The draft regulations allow the authorities to interfere in the internal affairs of religious organisations, which must accept the guidance, supervision and inspection of relevant government departments. In addition to 'supervising' and in effect controlling the physical operation of religious activities, government authorities are also involved in some intangible internal affairs of certain religious groups (Article 36):

*The succession of living Buddhas in Tibetan Buddhism is to be 'reported for approval to the religious affairs department of people's governments at the provincial level or above or to a people's government at the provincial level or above' The national Catholic religious group must report Catholic bishops to the religious affairs department under the State Council.*

Both these stipulations are retained from the 2005 Regulations (Article 27); however, the 2016 draft adds that approval is a prerequisite for engaging in religious activities.

The draft confines many religious activities to registered sites, and prohibits religious professionals from 'organizing, or presiding over unapproved religious activities held outside of religious activity sites' (Article

7 China Law Translate, Religious Affairs Regulations Draft Revisions (Deliberation Draft) <http://chinalawtranslate.com/religious-regulations/?lang=en>

8 DuBois, Thomas David, 'China's Religion Law: 2005 vs. 2016' [www.academia.edu/28414977/Chinas\\_Religion\\_Law\\_2005\\_vs.\\_2016?auto=download](http://www.academia.edu/28414977/Chinas_Religion_Law_2005_vs._2016?auto=download)

9 United Nations Office of the High Commissioner for Human Rights, 'UN human rights chief says China's new security law is too broad, too vague', 7 July 2015 [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16210&LangID=E#sthash.9211K4iR.dpuf](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16210&LangID=E#sthash.9211K4iR.dpuf)

70). However, in order to apply to establish a religious activity site, applicants must prove that the local religious citizens need to conduct collective religious activities regularly (Article 20). There is no further guidance on what constitutes such a need, and it is possible that applicants will be told to join an existing religious activity site rather than establishing a new one.

## LESS AUTONOMY FOR INDIVIDUAL RELIGIOUS GROUPS

In line with the focus on management and containment, the draft inherits and extends regulations which give authority for religious affairs to the national religious organisations while limiting the autonomy of individual local-level religious groups.

For example, only national religious groups and those of the provinces, autonomous regions, and directly-governed municipalities may select and receive religious students studying overseas in accordance with provisions; other organisations or individuals may not (Article 9). Similarly, under Article 11 only national groups or those at the level of the province, autonomous region or directly-government municipality may establish religious schools. According to these articles, it appears that a national or provincial level religious organisation could establish a religious school but an individual church, albeit a registered church, could not. At the national level, 'religious organisations' appears to refer to the state-sanctioned religious associations such as the TSPM, since independent organisations would not qualify. If, as it appears, these stipulations represent a removal of authority from individual churches to their overseeing national bodies, this could be interpreted as part of an attempt to place limits on registered churches which are seen to have become too independent, such as the wealthy and influential churches of Wenzhou, and to bring them in line with the direction of the TSPM.

## ACKNOWLEDGEMENT OF PROBLEMS

The 2016 draft regulations retain from the original 2005 Regulations a provision for administrative consideration in the case of dissatisfaction with actions taken by religious affairs officials, and for an administrative lawsuit if the decision is also not satisfactory (Article 72 of the 2016 draft).

However, an article concerning the abuse of authority by personnel managing religious affairs has been strengthened. Both the 2005 regulations and the 2016 draft include stipulations regarding state officials managing religious affairs who abuse their authority or neglect their duties, but whereas the 2005 Regulations state that there shall be an investigation, possibly resulting in administrative sanctions in non-criminal cases (Article 38), the 2016 draft specifies that they will be

punished in accordance with the law, with administrative sanctions or criminal charges (Article 61). This could be an acknowledgement that some religious affairs officials have failed to 'do their duties' or abused their position for personal gain, and may be seen as part of Xi Jinping's wider campaign against corruption.

## COMMUNICATION AND PROSELYTISING

The 2005 Regulations contained some articles concerning the publishing of religious materials; however, the new draft adds a number of new regulations on the communication of religious content. Most of these additions relate to online communication: Article 47 states that 'Engagement in internet religious information services shall be upon the review and consent of the religious affairs department for a people's governments at the provincial level or above, and follow the relevant laws and regulations on internet information services management.'

The draft also includes prohibitions against proselytising through charity work (Article 56) or in state schools (Article 44). Charity work is regulated through separate regulations on non-profit organisations and foreign non-governmental organisations – regulations which have been criticised for limiting the freedom of civil society organisations and allowing the authorities to prevent organisations working on more 'sensitive' issues which could challenge Party interests.

In recent years there has been further scrutiny of religious activities in schools: in December 2014, in Zhejiang Province, the Wenzhou education bureau issued a directive banning primary schools and kindergartens from holding Christmas-related events. The directive also directed class leaders to 'keep an eye on the attitude of classmates' and warned that 'spot checks will be carried out by the education bureau and the schools district authorities'. Although this was the only Christmas ban directive leaked on social media, one high school employee told RFA that the ban was nationwide.<sup>10</sup>

## CONCLUDING REMARKS

The core aim of the draft regulations is summed up in Article 3, which states that:

*The management of religious affairs upholds the principles of protecting what is lawful, prohibiting what is unlawful, suppressing extremism, resisting infiltration, and fighting crime.*

This article introduces the key themes of national security and foreign infiltration which run through the draft, and also makes a distinction between legal and illegal religious activities. It continues the practice of protecting only groups legally registered with the state-sanctioned religious associations: the first article under the section on religious groups states that the establishment,

<sup>10</sup> RFA, 'China Bans "Un-Chinese" Christmas Celebrations in Schools, Colleges', 25 December 2014 [www.rfa.org/english/news/china/christmas-12252014124013.html](http://www.rfa.org/english/news/china/christmas-12252014124013.html)

modification, or deregistration of a religious group must be registered. Furthermore, under the following article (Article 8), religious groups have the function of assisting the government in the implementation of religious laws, regulations and policies.

The draft has been challenged in a letter signed by around 20 lawyers, academics, and religious leaders in China.<sup>11</sup> Chinese Christian leaders interviewed by China Aid<sup>12</sup> and media organisations<sup>13</sup> have said that the regulations indicate that the government wants to increase its control over religious activities, and have criticised the draft for repressing religious freedom in China. Although it is not possible to predict the full implications for religious groups, these amendments appear to codify the increased scrutiny and pressure on religious activities in China.

## FREEDOM OF RELIGION OR BELIEF DEFENDERS

Since July 2015, across China over 300 human rights lawyers, activists, their colleagues and family members have been interrogated, detained and in some cases imprisoned or disappeared. This figure includes many prominent members of the weiquan or rights lawyers' community, who have been at the forefront of advocating for civil rights and legal reforms. Many of these lawyers have represented clients from religion or belief communities, including Christians from unregistered church and Falun Gong practitioners.

Li Heping is one of the most high profile Christian human rights lawyers in China, and has defended unregistered church Christians, petitioners, and fellow lawyers and activists including Gao Zhisheng and Chen Guangcheng. Mr Li was detained on 10 July 2015 and held incommunicado for six months under 'residential surveillance at a designated location' (RSDL) before being formally arrested in January 2016, accused of subversion of state power. He is currently in pre-trial detention and has had no access to legal counsel or family visits. Since he is being held incommunicado, there is a high risk of torture and ill-treatment.

Zhang Kai is a Christian human rights lawyer who provided legal advice and assistance to churches in Zhejiang Province facing the forced removal of their cross or complete demolition of their building (see below). He was detained on 25 August 2015 shortly before a planned meeting with the US Ambassador-at-Large for International Religious Freedom, and was accused of 'disturbing social order', stealing and spying, among other crimes. In March 2016 he was released on bail after appearing in a televised confession widely believed to

have been coerced. Zhang Kai's communications were cut off after he publicly stated that comments he had made in August, which appeared to criticise fellow rights lawyers, had been made under duress. At the time of writing it is not clear whether he is under house arrest or has been re-detained elsewhere.

Ilham Tohti is a prominent Uyghur scholar and economist. Although not a human rights lawyer or activist in the usual sense, he has written extensively about the discrimination against ethnic Uyghur Muslims in Xinjiang, and restrictions on their social and cultural rights and on their religious practice. Mr Tohti has previously been detained and placed under house arrest, after posting information online about Uyghurs who went missing during a period of intense repression in 2009. Despite harassment, he continued to advocate for peaceful dialogue, understanding and reconciliation. On 17 September 2014 Mr Tohti was sentenced to life in prison for separatism, a charge at odds with his adamant rejection of separatism as a solution for Xinjiang.

## DEMOLITIONS AND EVICTIONS AT TIBETAN BUDDHIST INSTITUTES

A 'renovation' campaign launched in July 2016 has resulted in the demolition of hundreds of homes at Larung Gar Buddhist institute in Sertar, Sichuan Province.<sup>14</sup> 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 issued by the Chinese authorities details plans to reduce the number of residents to 5,000 by 30 September 2017.<sup>15</sup> The document also includes instructions on guiding the opinions and ideology of the community, and publicises decisions taken at the Sixth Tibet Work Forum in August and a conference on religion in Beijing in April: both of which were presided over by President Xi Jinping.<sup>16</sup> An unknown number of residents have been forcibly evicted from their homes at the institute.

Up to 1,000 nuns at another Buddhist institute, Yachen Gar, have also been forced to leave the centre and return

14 International Campaign for Tibet, 'Mass expulsions at globally renowned Buddhist institutes follow demolitions', 15 September 2016 [www.savetibet.org/mass-expulsions-at-globally-renowned-buddhist-institutes-follow-demolitions/](http://www.savetibet.org/mass-expulsions-at-globally-renowned-buddhist-institutes-follow-demolitions/)

15 Tibetan Centre for Human Rights and Democracy, 'China issues demolition order on world's largest religious town in Tibet', 15 June 2016 <http://tchrd.org/china-issues-demolition-order-on-worlds-largest-religious-town-in-tibet/>

16 Xinhua, 'China Focus: Xi calls for improved religious work', 23 April 2016 [http://news.xinhuanet.com/english/2016-04/23/c\\_135306131\\_2.htm](http://news.xinhuanet.com/english/2016-04/23/c_135306131_2.htm)

11 RFA, 'China Plans "Very Detailed" Controls Over Religious Activities', 26 September 2016 [www.rfa.org/english/news/china/religion-controls-09262016141507.html](http://www.rfa.org/english/news/china/religion-controls-09262016141507.html)

12 China Aid, 'New regulations target underground churches across China', 22 September 2016 <http://www.chinaaid.org/2016/09/new-regulations-target-underground.html>

13 RFA, 'China Plans "Very Detailed" Controls Over Religious Activities', 26 September 2016 [www.rfa.org/english/news/china/religion-controls-09262016141507.html](http://www.rfa.org/english/news/china/religion-controls-09262016141507.html)

to their home towns, following an order by officials.<sup>17</sup> The government has said that the two centres are being renovated to address overcrowding and fire safety concerns. However, many of the people affected are reported to be deeply distressed, viewing the demolitions and the manner they are carried out as harassment. Three suicides have been reported in connection with the Larung Gar incidents.

According to experts on the situation of Buddhism in Tibet, Larung Gar has dramatically expanded in recent years, which appears to have drawn the attention of high level authorities. There was reportedly no meaningful consultation process with the centres prior to the demolitions. The Tibetan lamas have urged calm among religious practitioners at the centre, advising them to focus on their studies.<sup>18</sup>

## CROSS REMOVALS IN ZHEJIANG PROVINCE

Zhejiang Province in south-east China is known for its relatively large Christian population: both Catholic and Protestant traditions are thriving, though the Protestant churches are larger in number and more visible. Since early 2014 the authorities in Zhejiang have removed hundreds of crosses from churches in the province, in some cases destroying part or all of the church at the same time. Some estimates put the total number of churches affected at over 2,000; conservative estimates are between 1,500 and 1,700. Throughout the campaign, crosses have been removed from both Catholic and Protestant, registered and unregistered churches in the name of a campaign that the authorities say aims to 'rectify and demolish' structures which have violated building codes. However, Christians and church leaders in the province believe that the campaign targets churches; many have peacefully opposed the cross removals through letters, social media campaigns and protests.

Although there are different theories about the Zhejiang cross removals, most agree that the campaign was launched by the provincial authorities, rather than at the central government level. The fact that the campaign has continued in the face of a strong reaction from both local Christians and the international community, suggests that it has at least the approval of the central leaders, even if it did not originate in Beijing.

17 Human Rights Watch, 'China: 1,000 Evictions from Tibetan Buddhist Centers', 14 September 2016 [www.hrw.org/news/2016/09/14/china-1000-evictions-tibetan-buddhist-centers](http://www.hrw.org/news/2016/09/14/china-1000-evictions-tibetan-buddhist-centers)

18 International Campaign for Tibet, 'Demolitions begin at Larung Gar, "monastery for the world", as religious teachers urge calm', 25 July 2016 [www.savetibet.org/demolitions-begin-at-larung-gar-monastery-for-the-world-as-religious-teachers-urge-calm/](http://www.savetibet.org/demolitions-begin-at-larung-gar-monastery-for-the-world-as-religious-teachers-urge-calm/)

In 2016 the rate of removals slowed considerably, but the effects of the campaign are still being felt. In 2015 and early 2016 at least 20 Christians, including several senior pastors from state-sanctioned churches, were arrested and detained in connection with their peaceful opposition to the cross removal campaign:

On 27 January 2016 Pastor Gu Yuese, senior pastor of one of the largest, if not the largest, registered church in China, was detained and accused of misuse of funds.<sup>19</sup>

Two days later, Pastor Li Guanzhong, also the leader of a state-sanctioned church, was placed in criminal detention.<sup>20</sup>

Around one month later, on 25 February, Pastor Bao Guohua and his wife Xing Wenxiang received jail sentences of 14 and 12 years respectively for corruption and 'gathering people to disturb social order'.<sup>21</sup>

## DISAPPEARANCES OF CATHOLIC CLERGY

The situation for Catholics in China continues to be complicated for both lay people and leaders. As with other religions recognised by the government, state-sanctioned associations exist to oversee Catholic practice, but there are congregations outside this system. The question of the leadership of the Church has proved controversial. The government insists that all religious groups must be 'independent and autonomous', without foreign oversight; the Vatican maintains that a Church independent of the Holy See is incompatible with Catholic doctrine. This disagreement is manifested in the complex issue of the ordination of bishops.

Both Beijing and the Vatican have expressed a desire to seek a solution to this issue, and to improve relations. There has been much speculation over what a solution might look like, and the impact it would have on the church in China – both for congregations under the state-sanctioned associations with bishops appointed or recognised by the government, and for 'underground' or independent communities where the bishop is not recognised by Beijing.

While these negotiations take place at leadership level, on the ground a number of clergy are reported to have been arrested or disappeared. Catholic news agencies have reported that at least five underground Catholic priests in Hebei are believed to have been picked up by the authorities since April 2016; two have since been released. One of the priests, Father Yang Jianwei, is the parish priest for Anzhuang village in Baoding and belongs to a Catholic community not recognised by the

19 Christian Solidarity Worldwide, 'China: Senior Zhejiang pastor detained', 2 February 2016 [www.csw.org.uk/2016/02/02/press/2971/article.htm](http://www.csw.org.uk/2016/02/02/press/2971/article.htm)

20 Christian Solidarity Worldwide, 'Chinese pastor detained and another released in Zhejiang', 8 February 2016 [www.csw.org.uk/2016/02/08/press/2976/article.htm](http://www.csw.org.uk/2016/02/08/press/2976/article.htm)

21 ChinaAid, 'Updated: Pastor, wife sentenced to 10-plus years in prison', 26 February 2016 [www.chinaaid.org/2016/02/pastor-wife-sentenced-to-10-plus-years.html](http://www.chinaaid.org/2016/02/pastor-wife-sentenced-to-10-plus-years.html)

government. He went missing in Hebei Province on 15 April 2016 and his whereabouts remain unknown.<sup>22</sup> AsiaNews also reported the detention or disappearance of priests in Hebei and Fujian.<sup>23</sup> The reasons for these disappearances are not clear.

Several senior clergy also remain in detention or missing. Bishop James Su Zhimin was detained on 8 October 1997 in Hebei; prior to this he had spent nearly 27 years in prison. At the time of writing his whereabouts are still unknown. More recently, in July 2012 Mgr Thaddeus Ma Daqin, auxiliary bishop of Shanghai, was effectively placed under house arrest after he publicly resigned from a state-sanctioned Catholic association at his ordination Mass.

## FALUN GONG AND ORGAN HARVESTING

As mentioned above, the Chinese constitution protects 'normal' religious activities (Article 36). While some religious groups exist in a legal grey area outside the state-sanctioned religious organisations, others are banned outright and labelled 'cults'. Article 300 of the Criminal Law defines cults as 'illegal organizations established in the name of religion, qigong [a form of meditative exercise] or other pretexts [which] harm society'.

The most well-known and probably the largest group classified as a cult in China is Falun Gong, a spiritual movement which has been banned since 1999. It is widely reported that a specific task force, the 610 Office, was established specifically to eradicate Falun Gong; adherents outside China continue to report the arrest, imprisonment, torture and death in custody of Falun Gong practitioners across the country.

A series of reports released between 2006 and 2016 provide evidence to suggest that Falun Gong practitioners and other prisoners of conscience, including other ethnic and religious minorities, have been victims of forced organ harvesting. Most recently, a 2016 report by David Kilgour, David Matas and Ethan Gutmann titled 'Bloody Harvest/ The Slaughter: An Update' concludes that between 60,000 to 100,000 organs are transplanted each year in China, far above the government's figure of 10,000.<sup>24</sup> This discrepancy suggests that the organs are being harvested from an undisclosed source; furthermore, patients have reported that the waiting time for an organ is much shorter in China than elsewhere, and with a more precise timeframe, leading to questions about the source. CSW is not able to independently verify these reports but is in the process of engaging in research on this issue.

22 Christian Solidarity Worldwide, 'Catholic priests missing; woman reportedly buried', 19 April 2016 [www.csw.org.uk/2016/04/19/news/3079/article.htm](http://www.csw.org.uk/2016/04/19/news/3079/article.htm)

23 AsiaNews, 'Baoding Catholics call for safe return of missing Father Yang', 16 April 2016 [www.asianews.it/news-en/Baoding-Catholics-call-for-safe-return-of-missing-Father-Yang-37245.html](http://www.asianews.it/news-en/Baoding-Catholics-call-for-safe-return-of-missing-Father-Yang-37245.html)

24 International Coalition to End Organ Pillaging in China, An update to 'Bloody Harvest' & 'The Slaughter' <http://endorganpillaging.org/an-update/>

## RECOMMENDATIONS

### To the People's Republic of China

- Set out a clear timetable for ratification of the International Covenant on Civil and Political Rights (ICCPR)
- Revise the draft amendments to the 2005 Regulations to align with international standards on the right to freedom of religion or belief (FoRB) as set out in Article 18 of the ICCPR
- In addition, ensure that protection of the right to freedom of religion or belief is not restricted to the five recognised religions, and revise registration requirements and legislation pertaining to religion, in consultation with religious communities and legal experts
- Ensure that all legislation complies with international standards on FoRB, including the ICCPR. In particular, remove all legislation relating to 'illegal religious activities' not in line with international standards
- Repeal laws and regulations pertaining to 'cults', and issue new guidelines stipulating that religious groups cannot be banned on the basis of their orthodoxy or precepts. In the meantime, immediately ensure that there are adequate safeguards in place to prevent abuses of power and errors by officials charged with classifying cults
- Immediately release all prisoners of conscience detained in connection with their religion or belief, and investigate cases of wrongful imprisonment
- Train local officials and police in the correct implementation of legislation affecting religious organisations and individuals, and hold to account any officials whose actions are found to be in violation of the law
- Allow and strongly encourage the participation of civil society in China in preparations for human rights-related reporting, including the UN Universal Periodic Review process
- Immediately cease the demolition of crosses on churches in Zhejiang: where a cross or another part of the structure is considered 'illegal', the authorities should present the church leaders with their complaint and endeavour to negotiate as soon as possible
- Establish a complaints mechanism for churches and other religious buildings which have had their request for permission to build or extend refused, or which have had their building or religious symbol forcibly demolished or removed
- Make consistent efforts to enter into dialogue with religious leaders on all matters relating to their activities, with a view to promoting mutual trust and positive relations

- Remove restrictions on the peaceful religious practices of Uyghurs, Tibetans and other ethnic minorities, and actively seek ways of creating mechanisms to address grievances and engage in constructive, mutually respectful dialogue with ethnic and religious minorities
- Ensure that religious leaders and community leaders in Tibet and Xinjiang are included and consulted in plans to implement security measures in the ethnic minority autonomous regions, to ensure that such measures do not place further restrictions on citizens' cultural and religious rights
- Release immediately human rights lawyers detained or imprisoned in connection with their peaceful and lawful defence of the rights of others
- Ensure that no lawyer or human rights defender, or any other citizen, is detained incommunicado, and ensure that family members of detainees are informed of their whereabouts and the charges against them in good time, in accordance with Chinese law.
- Continue to monitor violations of the right to FoRB and developments in the treatment of religion or belief-based groups, and raise these issues and specific cases in bilateral exchanges, using clear and regularly updated benchmarks to monitor progress
- When high level visits take place, ensure that China's human rights record and specific incidents are raised both in public and in private, naming perpetrators where appropriate
- Regularly and thoroughly evaluate the effectiveness of the human rights dialogue, and, in consultation with stakeholders, consider ways to improve the effectiveness of the dialogue and additional mechanisms
- Strongly encourage the participation of civil society in China in preparations for human rights-related reporting, including the UN Universal Periodic Review process
- Arrange for delegations to visit religious leaders and places of worship both in the capital and in remote areas, including unregistered religious groups

### **To the international community**

- Strongly urge China to set out a clear timetable for ratification of the International Covenant on Civil and Political Rights (ICCPR): this should be set out as a benchmark for progress at all human rights dialogues and other bilateral meetings
- Strongly encourage China to extend protection of the right to freedom of religion or belief (FoRB) beyond the five recognised religions, and revise registration requirements and legislation pertaining to religion, in consultation with religious communities and legal experts
- Demand the immediate release of all prisoners of conscience detained in connection with their religion or belief, and the investigation of cases of wrongful imprisonment
- Encourage and support training for local officials and police on FoRB in international law, and urge China to hold to account officials whose actions are found to be in violation of the law
- Explore new ways of supporting lawyers defending victims of FoRB violations, including exchanges and training, and the provision of 'safe spaces' for discussion online or in person
- Advise embassies and delegations in China to develop relationships with registered and unregistered religious leaders and communities
- Encourage delegations to China, including religious groups, trade delegations and other non-government visitors, to meet and engage with both registered and unregistered religion or belief communities, in order to give legitimacy to independent religious practice.

© Copyright Christian Solidarity Worldwide 2016. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, transmitted, in any form or by any means, electronic, photocopying, mechanical, recording and/or otherwise without the prior written permission of Christian Solidarity Worldwide.

CSW is a Christian organisation working for religious freedom through advocacy and human rights, in the pursuit of justice.

Registered Charity No. 281836

PO Box 99, New Malden, Surrey, KT3 3YF, United Kingdom  
 T: +44 (0)845 456 5464 F: +44 (0)20 8942 8821  
 E: [admin@csw.org.uk](mailto:admin@csw.org.uk) [www.csw.org.uk](http://www.csw.org.uk)