

Status of Human Rights in China for the 45th Session of the Universal Periodic Review

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to discuss the status of human rights in the People's Republic of China (China) for the 45th Session of the Universal Periodic Review (UPR).

Background

2. China is a country in East Asia and has an estimated population of 1,413,142,846 people.¹ 21.9% of the population identifies with folk religion, 18.2% as Buddhist, 5.1% as Christian, 1.8% as Muslim, less than 0.1% as Hindu, less than 0.1% as Jewish, 0.7% as other (includes Daoist), and 52.1% as unaffiliated.² In its 2023 World Watch List, Open Doors ranked China as the 16th worst place for Christians to live in.³ This ranking stems from the fact that the Chinese Communist Party (CCP) places tight restrictions on Christians and uses surveillance to monitor religious activity.⁴

3. China's previous UPR was held on November 6, 2018.⁵ As a result of the review, China received 346 recommendations, 284 of which it accepted.⁶ Regarding the freedom of religion, one recommendation made by Germany, and supported by China, was that the government "[r]espect the rights to freedom of religion or belief, opinion and expression, peaceful assembly and culture, including for Tibetans, Uighurs and other minorities."⁷ It was also recommended by Canada, but only noted by China, that the government "[e]nd prosecution and persecution on the basis of religion or belief, including for Muslims, Christians, Tibetan Buddhists and Falun Gong."⁸ It was further recommended by Haiti, and supported by China, that the government "[g]rant greater religious freedom to Catholics and Protestants"⁹ It was also recommended by Canada, but only noted by China, that the government "[r]atify the International Covenant on Civil and Political Rights and implement these obligations across China."¹⁰

Legal Framework

4. Article 36 of the Constitution of China purports to guarantee religious liberty. It states:

Citizens of the People's Republic of China enjoy freedom of religious belief.

No state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion; nor may they discriminate against citizens who believe in, or do not believe in, any religion.

The state protects normal religious activities. No one may make use of religion to engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state.

Religious bodies and religious affairs are not subject to any foreign domination.¹¹

5. On February 1, 2018, a revised version of the Regulations on Religious Affairs went into effect. Article 21 requires that all religious organizations register with the government and that only after the application is approved can the religious organization begin constructing facilities to carry out religious activities.¹² Under Article 22, religious organizations then must apply to the religious affairs department at the county-level in order to receive a “Religious Activity Site Registration Certificate.”¹³ Further, Article 40 essentially bans house churches by stating that collective religious activities shall generally be held in venues of religious activities.¹⁴ Moreover, under Article 69:

Where a religious activities site is established without authorization, or where a religious activity sites site that has had its registration revoked or registration certificate cancelled continues to carry out religious activities, or where a religious school is established without authorization, the religious affairs department, together with the relevant departments are to shut it down and confiscate the unlawful gains or illegal assets if any¹⁵

6. On May 1, 2021, the Measures for the Management of Religious Clergy went into effect, with the stated purpose under Article 1 to regulate the management of religious clergy.¹⁶ Further, Article 3 states that:

Religious professionals shall love the motherland, support the leadership of the Communist Party of China, support the socialist system, abide by the Constitution, laws, regulations, and rules; practice the Core Socialist Values, uphold the principle of religious independence and self-management, persist in our nation's direction of the signification of religion, and preserve national unity, ethnic unity, religious harmony, and social stability.¹⁷

7. Moreover, Article 12(6) forbids clergy from “[o]rganizing, presiding over, or participating in unapproved religious activities held outside of religious activity sites.”¹⁸

8. While China has signed the International Convention on Civil and Political Rights (ICCPR) in 1998, China has yet to ratify it.¹⁹ Under Article 18 of the ICCPR:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.²⁰

9. Further, under 18 of the Universal Declaration of Human Rights (UDHR):

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.²¹

Religious Persecution

10. The CCP is officially atheist but recognizes only five religions: Buddhism, Catholicism, Daoism, Islam, and Protestantism.²² Even though the government technically recognizes these five religions, it has implemented strict measures restricting them from freely operating because there is concern that religion offers an alternative to communism and can undermine loyalty to the government.²³

11. Over the past few years, China has implemented a series of bureaucratic reforms to strengthen the power of the CCP, which has led to all religious affairs organs functioning under the direct control of the CCP's United Front Work Department.²⁴ This furthers the CCP's goal of sinicizing religion, "a process intended to shape religious traditions and doctrine to better conform with Chinese society and CCP objectives."²⁵ The CCP is seeking to corrupt Christianity by adapting Christian theology to fit their ideologies. In fact, President Xi Jinping has even called upon government approved religions to create a "religious theory of socialism with Chinese characteristics."²⁶ This makes Christians who reject a sinicized version of Christianity more susceptible to persecution.

12. In April 2023, a Christian pastor was arrested by police in Yunnan province because he was distributing COVID-19 masks that had Bible verses inscribed on them.²⁷ In addition to arresting the pastor, police also seized Bibles and Christian literature.²⁸

13. On February 8, 2023, police raided Shouwang Church during a worship service.²⁹ Authorities announced that the gathering was illegal pursuant to the Regulations on Religious Affairs and that the church would be shutdown.³⁰ The police took the pastor to the police station.³¹ The next day, the pastor's wife was notified that the pastor would be detained for ten days.³²

14. On September 7, 2022, Changchun City's Civil Affairs Bureau published a notification banning the House of Light Church.³³ The church was banned because it was not officially registered and therefore was conducting illegal activity.³⁴

15. In August 2022, Chinese authorities raided several house churches and arrested three pastors along with members of their families.³⁵ One of the pastors arrested received several injuries to his head and arms.³⁶ They were charged with operating an illegal venue, conducting an illegal gathering, and collecting illegal funds.³⁷ Although some were released, three of the people arrested are still reported missing.³⁸

16. That same month, Chinese authorities shut down a house church in Xi'an, Shaanxi Province that had been operating for thirty years.³⁹ The church was accused of operating illegally because of its refusal to join the CCP controlled Three-Self Church.⁴⁰ This closure is part of President Xi Jinping's efforts to force Protestant Christian groups to join the Three-Self Church or face arrests and church closures.⁴¹

17. On January 7, 2022, the Taizhou City Intermediate People’s Court rejected the appeal of Wheat Bookstore owner, Chen Yu, and upheld the original sentence of seven-year in prison and a fine of 200,000 RMB.⁴² This sentencing stemmed from Chen Yu’s arrest in September 2019 for selling unapproved religious literature through his online bookstore.⁴³ One Christian house pastor stated that the reason the government cracks down on religious literature is that “[p]eople who buy Christian books are practicing believers, so the government looks into them to determine how dangerous they are to the stability of their regime.”⁴⁴

18. Between December 3 and 4, 2021, the CCP held a National Conference on Work Related to Religious Affairs.⁴⁵ At this conference, President Xi Jinping stressed the need for increased surveillance and punishment for religious organizations and individuals who use the internet and social media in order to proselytize or criticize the government’s religious policy.⁴⁶

19. In July 2021, Chinese officials ordered pastors of state-controlled Protestant churches to preach the speech that was delivered by President Xi Jinping on the 100th anniversary of the founding of the CCP.⁴⁷ Xu Xiaohong, the chairman of the Three-Self Patriotic Movement, even stated to pastors that Christians should frequently repeat two slogans: “Long live the great, glorious and correct Chinese Communist Party! Long live the great, glorious and heroic Chinese people.”⁴⁸ This is a further example of the CCP’s efforts to sinicize religion.

20. On May 1, 2021, the Measures for the Management of Religious Clergy went into effect which furthers exerts the government’s control over religion through “regulat[ing] the management of religious professionals.”⁴⁹ Article 3 of this measure is extremely concerning as it requires all religious clergy to “love the motherland, [and] support the leadership of the Communist Party of China.”⁵⁰ This is extremely concerning as it gives the government the authority to go after religious leaders who dare speak out against the government. Furthermore, these measures also prevent religious clergy from conducting services at house churches because they are prohibited from “organizing, presiding over, or participating in unapproved religious activities held outside of religious activity sites.”⁵¹

21. In May 2021, Bishop Joseph Zhang Weizhu was arrested a day after ten other priests and an unknown number of seminarians were arrested at a Catholic seminary.⁵² While the others were eventually released, Bishop Joseph Zhang Weizhu remains detained, and his location is unknown.⁵³

22. On May 3, 2020, Chinese authorities raided a house church in Xiamen City during a Sunday worship service.⁵⁴ During the raid, several members were injured as authorities “wrestled them to the ground and dragged them across the floor.”⁵⁵ One member even suffered a chest contusion, a fractured rib, and bruises on his arms as a result of the raid.⁵⁶ Six men were initially detained but then released later that night.⁵⁷ This was the second time this house church was raided by authorities over a period of just a few weeks.⁵⁸

23. In April 2020, six members of the Early Rain Covenant Church were arrested by Chinese authorities simply for taking part in an Easter service that was conducted on Zoom.⁵⁹ Thankfully, the six Christians were later released.⁶⁰

24. China’s policy and actions violate Article 18 of the UDHR, which ensures that “[e]veryone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and

observance.”⁶¹ These rights are guaranteed to everyone, not just individuals that belong to State-sponsored religions. Everyone must be free to gather in public or private to peacefully practice their religion without the fear of being arrested by police.

Recommendations

25. China must immediately reform its laws and policies to guarantee religious freedom for all of its citizens. Individuals must be able to freely practice their faith and live out the tenets of their faith in public and in private. The UDHR enshrines this right for everyone. No one should be afraid of being arrested simply for possessing religious literature or gathering to worship with others. Further, we ask that China allow for the registration of all religious groups so that they can freely operate in the country without fear of attack by the government. Additionally, we ask that China ratify the ICCPR and guarantee the rights enshrined in it.

¹ *China*, WORLD FACTBOOK, <https://www.cia.gov/the-world-factbook/countries/china/> (June 13, 2023).

² *Id.*

³ *World Watch List 2023*, OPEN DOORS, <https://www.opendoorsus.org/en-US/persecution/countries/> (last visited June 15, 2023).

⁴ *China*, OPEN DOORS.

⁵ *Universal Periodic Review – China*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/cn-index> (last visited June 15, 2023).

⁶ *China Infographic 31st*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session31/CN/CHINA_Infographic_31st.pdf (last visited June 15, 2023).

⁷ OHCHR, UPR of China (3rd Cycle – 31st Session): Thematic List of Recommendations, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session31/CN/MatriceRecommendationsChina.docx> (last visited June 15, 2023).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ XIANFA art. 36, § 1 (1982), https://www.constituteproject.org/constitution/China_2018.pdf?lang=en, (China).

¹² *Religious Affairs Regulations 2017*, CHINA LAW TRANSLATE (Sep. 7, 2017), <https://www.chinalawtranslate.com/en/religious-affairs-regulations-2017/>; *Regulations on Religious Affairs (2018) art. 21*, http://www.gov.cn/zhengce/content/2017-09/07/content_5223282.htm.

¹³ *Id.* art. 22.

¹⁴ *Id.* art. 40.

¹⁵ *Id.* art. 69.

¹⁶ *Measures on the Management of Religious Professionals (Draft for Solicitation of Comments)*, CHINA LAW TRANSLATE (Nov. 18, 2020), <https://www.chinalawtranslate.com/en/religious-professionals-draft/>; *Measures for the Management of Religious Clergy, art.1* http://www.gov.cn/zhengce/zhengceku/2021-02/09/content_5586371.htm.

¹⁷ *Id.* art. 3.

¹⁸ *Id.* art. 12(6).

¹⁹ *Ratification Status for China*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=36&Lang=EN (last visited June 15, 2023).

²⁰ International Covenant on Civil and Political Rights art. 18, *adopted* Dec. 16, 1966, U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

²¹ G.A. Res. 217 (III) A, Universal Declaration of Human Rights, art. 18 (Dec. 10, 1948) [hereinafter UDHR].

²² *Religion in China*, COUNCIL ON FOREIGN RELATIONS (Sep. 25, 2020), <https://www.cfr.org/background/religion-china>.

²³ *Religious Repression in China*, HUMAN RIGHTS WATCH, <https://www.hrw.org/legacy/campaigns/china-98/religion.htm> (last visited June 15, 2023).

²⁴ Julia Bowie and David Gitter, *The CCP's Plan to 'Sinicize' Religions: Bureaucratic Changes are Intended to Aid the CCP in Further Pressuring Religious Groups*, THE DIPLOMAT (June 14, 2018), <https://thediplomat.com/2018/06/the-ccps-plan-to-sinicize-religions/>.

²⁵ *Id.*

²⁶ Hu Zimo, *China: First CCP National Conference on Religion Held Since 2016*, BITTER WINTER (Dec. 8, 2021), <https://bitterwinter.org/china-ccp-national-conference-on-religion/>.

²⁷ *Chinese Christian Arrested for Bible Verses on Covid Masks*, UCA NEWS (May 1, 2023), <https://www.ucanews.com/news/chinese-christian-arrested-for-bible-verses-on-covid-masks/101166>.

²⁸ *Id.*

²⁹ *Beijing Shouwang Church Raided*, CHINA AID (Feb. 10, 2023).

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ Int'l Christian Concern, *Previously Raided House Church in Changchun Now Banned*, PERSECUTION (Sep. 20, 2022), <https://www.persecution.org/2022/09/20/previously-raided-house-church-changchun-now-banned/>.

³⁴ *Id.*

³⁵ *House Churches Raided in China, Religious Leader Arrested, Says Christian Rights Group*, LICAS NEWS (Aug. 24, 2022), <https://www.licas.news/2022/08/24/three-churches-raided-in-china-religious-leaders-arrested-reports-christian-rights-group/>.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ Morning Star News, *Chinese Authorities Shut Down Historic House Church Over Refusal to Join State-Controlled Movement*, CHRISTIAN POST (Aug. 27, 2022), <https://www.christianpost.com/news/chinese-authorities-shut-down-historic-house-church-crackdown.html>.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² Int'l Christian Concern, *Christian Bookstore Owner, Chen Yu*, PERSECUTION (Feb. 12, 2022), <https://www.persecution.org/2022/02/12/chen-yu/>.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ Zimo, *supra* note 26.

⁴⁶ *Id.*

⁴⁷ *Protestant Churches Told to Preach Chinese President's Speech*, UCA NEWS (Jul. 16, 2021), <https://www.ucanews.com/news/protestant-churches-told-to-preach-chinese-presidents-speech/93312>.

⁴⁸ *Id.*

⁴⁹ *Measures on the Management of Religious Professionals (Draft for Solicitation of Comments)* art. 1, *supra* note 16.

⁵⁰ *Id.* art. 3.

⁵¹ *Id.* art. 12.

⁵² *Chinese Bishop Remains in Detention One Year On*, UCA NEWS (May 24, 2022), <https://www.ucanews.com/news/chinese-bishop-remains-in-detention-one-year-on/97372>.

⁵³ *Id.*

⁵⁴ Int'l Christian Concern, *Police Violently Raid House Church in China*, PERSECUTION (May 5, 2020), <https://www.persecution.org/2020/05/04/police-violently-raid-house-church-china/>.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ Leah MarieAnn Klett, *China: Police Arrest Christians Participating in Zoom Easter Worship Service*, CHRISTIAN POST (Apr. 17, 2020), <https://www.christianpost.com/news/china-police-arrest-christians-participating-in-zoom-easter-worship-service.html>.

⁶⁰ *Id.*

⁶¹ UDHR art. 18, *supra* note 21.