

香港天主教正義和平委員會

JUSTICE & PEACE COMMISSION OF THE H.K. CATHOLIC DIOCESE



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香港天主教區主教委任
(Appointed by the Catholic Bishop of Hong Kong)

Justice and Peace Commission of the Hong Kong Catholic Diocese (HKJP) Submission for the United Nations Human Rights Council's Third Universal Periodic Review on China (2018)

Introduction

1. Ever since the UN Human Rights Council conducted the last Universal Period Review on China in 2013, the Chinese government continued to arbitrarily violate its citizens' freedom of religious beliefs. HKJP is concerned about religious freedom in China, especially about human rights violations suffered by the Catholics in China.

Impossibility to Manifest Religious Freedom

2. "Freedom of religious belief" in Article 36 of the Chinese Constitution and other related religious regulations in China is described and defined with marked difference to that adopted by international human rights standards, such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.
3. "Freedom of religious belief," as meant by the Chinese government, does not include freedom of conscience and of related action or behavior. According to international human rights standards, religious freedom should not only include the manifestations of spirit, thought, belief, and conscience, but also the rights of citizens to maintain their religions through the practice and expression of their faith, including organizing various religious activities, freely establishing religious organizations, freely appointing religious personnel, publishing,

conducting religious education and so on.

4. Besides, the Chinese government emphasizes that only "normal" religious activities are protected. What it means by "normal" activities is entirely defined by the government and is subject to the fundamental principles and policies of the party-state. However, some of these policies and their implementation violate religious doctrine and are therefore rejected by the faithful. Categorizing activities as "normal," "legal" and "illegal" provide the government an excuse to suppress the citizens' religious freedom.
5. Under these conditions, Chinese citizens are deprived not only of freedom to express and to practice their religious belief, but also of the freedom of thought and conscience. Take the example of the Catholic Church in China: The Chinese government establishes religious policies with the principles of "independence, autonomy, self-management" and "democratic administration of the Church." Consequently, government-controlled religious bodies, such as the Chinese Catholic Patriotic Association (CCPA), is appointed as the legal organization for the Catholic Church in China. Yet, these religious policies and the objective and the operation of this officially manipulated organization seriously violate the doctrine, religious principles and traditions of the Church, ruining the Church's autonomy. These are rejected by Catholic clergies and faithful in general who want to uphold their faith and conscience. They then become members of the Underground Church community. This behavior is regarded by the Chinese government as "illegal," not "normal" religious activities, facing unfair and illegal suppression by the government.
6. On the other hand, although the Official Church community is recognized by the Chinese government as "normal" and "legal," they are forced to live under official religious policies that violate their religious principles, and are even coerced to join the CCPA whose activities and meetings violate religious principles. The Official Church community is compelled to tolerate the interference of the government to appoint religious personnel. They are thus deprived of the freedom of thought and conscience as well.
7. Since Xi Jinping took office, he has stepped up his grip on the suppression of civil society and the control over ideology. Moreover, the religious regulations aim at controlling religious activities, rather than protecting citizens' religious freedom, and seriously violate the religious freedom of both the Official and the Underground Church communities in expression and

practice.

8. The Communist Party of China (CPC) Central Committee released a plan on deepening reform of the Party and state institutions on 21 March 2018. Many state institutions are replaced by the Party institutions. The State Administration for Religious Affairs previously under the State Council was abolished and is now incorporated into the Party's United Front Work Department. These reforms attribute to the further confusion of state affairs with party affairs, prone to the manipulation of religion and ideology by the CPC.
9. Below are some illustrations on the human rights violations regarding the manifestation and practice of religious freedom of the Church members in China

Forced Disappearance

10. As of mid-March 2018, the following clergy are still forcibly disappeared by the Chinese government:
 - (i) Bishop James Su Zhimin (alias Su Zhemin) of Baoding Diocese in Hebei province. He was born in 1932 and 86 years old now. He was arrested in Xinji City of Hebei province in 1997 and has been missing since then.
 - (ii) Bishop Cosmas Shi Enxiang of Yixing Diocese in Hebei province: born in 1921. He was arrested in Beijing on Good Friday on 13 April 2001 and has been missing since then. At the end of January 2015, it was said that he had died. Although the officials of Hebei province later denied his death, we believe that he had died in secret detention, according to various reliable sources.
 - (iii) Father Liu Honggeng of Baoding Diocese in Hebei province: born in 1972. He disappeared on his way to a driving school in May 2015. A layperson later accidentally found out the place where the priest was detained. When the layperson told others about Father Liu's location and the people tried to visit him, he was already transferred to elsewhere. His whereabouts were unknown since then.

Unlawful Confinement and Arbitrary Deprivation of Personal Liberty

11. The Chinese government always arbitrarily and unlawfully takes away, detains clergy, places them under house arrests or restricts their personal freedom without going through legal proceedings in order to compel them to accept religious policies and activities that violate Catholic doctrine and Church traditions. These acts can be imposed on the same individuals over a long period of time. For example:
- (i) Coadjutor Bishop Cui Tai of Xuanhua Diocese in Hebei province has been repeatedly kept in secret detention, or forcibly taken to “travel” for the past ten years. He was under illegal and arbitrary detention throughout the year in 2017.
 - (ii) After the Vatican confirmed his episcopacy in September 2016, Bishop Peter Shao Zhumin of Wenzhou Diocese in Zhejiang province has been arbitrarily taken away by the authorities for four times. In his last detention, he was illegally detained for nearly 8 months after being taken away in May 2017. He was released in January 2018.
 - (iii) After Auxiliary Bishop Thaddeus Ma Daqin of Shanghai Diocese declared to resign from the duties of Catholic Patriotic Association during his episcopal ordination in 2012, he has been under house arrest at the Sheshan Seminary since then. He was deprived of his right to exercise his pastoral rights.

Investigation on the Truth of Father Pedro Yu Heping’s Death

12. On 11 November 2015, police informed the family of Father Pedro Yu Heping, alias Wei Heping, of Ningxia Diocese, that his body was found on 8 November in the Fen River of Shanxi province. The priest was supposed to arrive at Xicheng, Liaoning province, on 7 November.
13. The police initially said that Father Yu had committed suicide but later classified his case as “suspected murder” that needed further investigation. However, after the autopsy report was issued in January 2016, the police insisted that he had committed suicide and said that they would drop the investigation.
14. We are skeptical about the “suicide” conclusion since the priest was an optimistic and enthusiastic person. He actively engaged in various faith formation activities and was

concerned about social issues. He was repeatedly interrogated by state security police officers and was a target monitored by the authorities. There were many points of suspicion about his death. The police also refused to reveal key evidences to his family. We find his death very mysterious and suspicious.

Violation of Freedom of Association and Clergy Forced to Join Designated Organizations

15. The CCPA and the Bishops' Conference of Catholic Church in China (BCCCC) are two national church bodies that the government recognized, of which the CCPA dominates all important church affairs while the BCCCC has to obey its arrangements.
16. Many clergy and believers are reluctant to join the CCPA. However, the government constantly forced them to join the organization, and enacted laws and regulations, such as Regulation on Registration and Administration of Social Organizations, to make it difficult for them to form their own religious communities, depriving the believers of the right to freedom of association.
17. Church administration continues to be manipulated and church autonomy interfered since the newly revised Regulations on Religious Affairs (RRA) reinforces the functions and powers of the two aforementioned national church bodies. Regarding religious and ecclesiastical matters, the Church needs to go through these two government church organizations to examine, confirm, approve and submit applications.

Demolitions of Church Crosses and Surveillance Device Installed

18. The Cross is a sacred religious symbol of the Protestant and Catholic Churches. Since 2014, it was estimated that 1,500 to 2,000 Protestant and Catholic Church Crosses had been removed in Zhejiang province. Cross and church demolitions also occurred in Jiangxi, Henan, Shaanxi and Shanxi provinces as well as Xinjiang Uighur Autonomous Region.
19. The Zhejiang government demolished the Crosses with the excuse of dismantling illegal structures. In fact, many of the Church Crosses were demolished even though they had got all kinds of official approval from the government.

20. Believers in Zhejiang used peaceful approach to safeguard their Crosses, such as petitioning to the authorities and filing lawsuits; however, the authorities, instead of respecting the law, unreasonably detained the human rights lawyers, clergy and laypeople. Lawyer Zhang Kai was forced to confess to his “crimes” on TV after he was held in secret detention for six months. His lawyers and family were deprived of the right to visit him. It was an apparent move to declare him guilty before trial, which is contrary to the rule of law.
21. Pastor Bao Guohua and his wife, Pastor Xing Wenxiang, of a Protestant Church in Jinhua city in Zhejiang province were sentenced to 14 years and 12 years imprisonment respectively for taking advantages from their duties, doing illegal business operation and disrupting social order just because they had opposed the demolitions.
22. The Chinese government has also forcibly installed surveillance devices inside and outside religious venues. According to Ying Fuk-tsang, director of the Divinity School of Chung Chi College at the Chinese University of Hong Kong, installation of surveillance devices has been extended to Zhejiang, Henan, Fujian, Anhui, Shanghai, Jiangxi and Inner Mongolia since 2016. Religious venues involved are not limited to Protestant and Catholic Churches but also other religions.
23. Even for public safety, the government should negotiate security arrangements with the persons-in-charge of the Churches. The Church should have the rights to install and manage surveillance devices by itself and maintain relevant information without the authorities infringing their privacy and religious freedom. But in a number of cases, the authorities did not consult the persons-in-charge of the Churches and even ridiculously installed surveillance devices in Church podium, donation box and internal conference rooms.

Minors’ Religious Rights

24. In China, minors below 18, as well as Communist members and government officials could not have a religious belief. Therefore, the Chinese government banned students and adolescents from participating in religious activities. But each region enforces the law differently. During the summer of 2016 and 2017, some regional governments (such as Zhejiang and Henan) issued circulars to ban students from joining Christian Churches or engaging in religious

activities, including warning believers not to bring their children to the Church; prohibiting Sunday Schools, learning class or summer camps for the minors.

25. After the revised RRA took effect, the authorities also reportedly told some parishes that it is impossible to hold summer or winter camps anymore. Signs written “minors forbidden to enter” are also posted at some religious venues in various cities.
26. According to Article 41 (2) and Article 44 of the RRA, religious education can only be conducted at government-recognized locations while schools and educational institutions in general are prohibited from conducting religious education.
27. The relevant provisions of the RRA and the government’s practice have restricted and deprived children and adolescents of their rights to religious education, which are clearly contrary to the Convention on the Rights of the Child (CRC) and the ICCPR.

Newly Revised Regulations on Religious Affairs (RRA) Violates Religious Freedom

28. The revised RRA took effect on 1 February 2018. Many provisions are more detailed and stringent, which is far from the international standard on religious freedom. Many provisions even seriously violated the international laws. The following include some of the problems:
29. The extension of the power to govern religious affairs to cover the villagers’ committees and residents’ committees (see Article 6 of the RRA) build up a stronger manipulative system on religions.
30. The religious regulations state that religious activities of the believers shall be held at registered religious venues. However, the government uses very demanding approval procedures, and only official religious organizations controlled by the government can submit applications for religious venues. This strongly suppresses the Protestant house churches and the Underground Catholic community to claim any religious venues, except for few gray areas where they can conduct religious activities. However, the revised RRA has stifled all these "gray zones." For example, some house churches or the Underground Catholic community, have been holding gatherings at believers’ homes or renting apartments in the past. Article 71 of the RRA provides

the religious affairs departments with the conditions and power to issue warning or punishment for those conducting “unlawful religious activities.” Through punishing the home-owners or the landlords of the rented venues, this creates more difficulty for these Church communities to find gathering venues.

31. According to Article 41 (1) and Article 36 (3) of the RRA, those unregistered communities and venues are explicitly prohibited to hold religious activities, while religious clergy without filing record at the authorities could not hold religious rites. These provisions unfairly restrain the venues for religious activities and the operation of the church communities, violating the international human rights standards.
32. Since the implementation of the RRA, both house churches and Underground Catholic community have faced the crisis of forced closure of the meeting place by the government, particularly affecting the house churches and the Catholic community in Henan province. In several regions of Henan province, the faithful are warned not to engage in religious activities in unregistered places, deemed as illegal activities. A large number of house churches are forced to close. Officials in Henan province went door-to-door urging Christians to attend government-registered churches, instead of unregistered house churches.
33. Article 41 (2) of the RRA stipulates that non-religious groups, non-religious schools, non-religious activity venues must not carry out religious training or organize citizens leaving the country to participate in religious trainings, meetings, activities and so forth.” Article 70 stipulates a fine would be imposed on “those who, without authorization, organize religious citizens leaving China for religious trainings, meetings, pilgrimages or other such activities; or carry out religious education formation.” These common activities in civilized society, such as pilgrimages, trainings and meetings, may become illegal activities under the RRA. It is not only a violation of religious freedom, but also violation of freedom of thought and speech.

Recommendations

34. In summary, we call on the Chinese government:
 - i. to adopt the term “freedom of religion” in place of “freedom of religious belief” in the domestic laws and other related religious regulations in line with international human rights

standards to protect both religious beliefs and behaviours;

- ii. to allow the faithful to organize and operate in accordance with their own religious doctrines and principles; and to abolish the principle of an "independent, autonomous and self-run church;"
- iii. to release Bishop Su Zhimin, Father Liu Honggeng, Pastors Bao Guohua and Xing Wenxiang immediately and unconditionally; and to disclose the truth of Bishop Shi Enxiang's death;
- iv. to stop the arbitrary and unlawful detention and house arrest of Church members; to safeguard personal liberty and exercise of pastoral rights of the clergy;
- v. to investigate the truth of Father Yu Heping's death;
- vi. to implement freedom of association and of religious belief; to stop compelling church members to join the CCPA; and to safeguard the rights of religious personnel to form religious groups freely..
- vii. to stop unreasonable and forcible demolition of the Crosses; to dismantle all surveillance devices that were installed forcibly inside and outside religious venues; and to ensure such incidents never occurred again.
- viii. to safeguard freedom of religious belief of minors below 18; and to respect their rights and freedom to receive religious education.
- ix. to abolish the newly revised RRA.

END

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