

# XI JINPING’S SINOCENTRISM AND ITS IMPACT ON RELIGION: MODERN CHINESE CHRISTIANITY UNDER ATTACK

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## I. INTRODUCTION

The self-professed atheist Communist Party of China (CPC) officially recognizes five religions in China: Daoism, Buddhism, Islam, Protestantism, and Catholicism. Although all of these religions remain subject to seemingly endless regulations and government supervision and raise fascinating international law and human rights issues, this paper will focus on the latter two. Brought to China largely by Western missionaries, Protestantism and Catholicism represent a powerful foreign influence that threatens President Xi Jinping's Sinocentric vision.

Beginning as far back as A.D. 635,<sup>1</sup> China's turbulent relationship with Christianity persists to this day. With at least seventy-two million Christians in China,<sup>2</sup> and only around a third of that number belonging to official state-sanctioned churches, Christians—by some measures—represent the largest non-governmental organization in China,<sup>3</sup> and thus constitute a significant threat to the social stability necessary for President Xi Jinping to achieve his "China Dream."<sup>4</sup> In conjunction with his vision for China, President Xi has expressed

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1. See Serene Fang, *A Brief History of Christianity in China*, PBS, [http://www.pbs.org/frontlineworld/stories/china\\_705/history/china.html](http://www.pbs.org/frontlineworld/stories/china_705/history/china.html) (last visited Feb. 18, 2018) (explaining that Christianity is believed to have come to China in A.D. 635 through a Nestorian monk named Aluoben).

2. See Ian Johnson, *In China, Unregistered Churches Are Driving a Religious Revolution*, ATLANTIC (Apr. 23, 2017), <https://www.theatlantic.com/international/archive/2017/04/china-unregistered-churches-driving-religious-revolution/521544/> (citing at least sixty million protestants in China, with two thirds not belonging to official-TSPM churches); see also Javier C. Hernández, *Catholic Churches in China Should Be Independent of Vatican*, OFFICIAL SAYS, N.Y. TIMES (Dec. 30, 2016), [https://www.nytimes.com/2016/12/30/world/asia/china-catholic-vatican.html?\\_r=0](https://www.nytimes.com/2016/12/30/world/asia/china-catholic-vatican.html?_r=0) (citing at least twelve million Catholics in China, one-third or more of whom worship in underground congregations).

3. See Evan Osnos, *Five Things You Need to Know About Faith in China*, ONFAITH, <https://www.onfaith.co/onfaith/2014/05/13/five-things-you-need-to-know-about-faith-in-china/32061> (quoting Li Fan: "Christianity has probably become China's largest nongovernmental organization.").

4. See Robert Lawrence Kuhn, *Xi Jinping's Chinese Dream*, N.Y. TIMES (June 4, 2013), <http://www.nytimes.com/2013/06/05/opinion/global/xi-jinpings-chinese-dream.html> (describing the "Chinese Dream" as developing China into a "moderately well-off society" by 2020 and modernizing China so that it becomes a fully developed nation by 2049).

his desire to “Sinicize”<sup>5</sup> all religion, that is, to spread and foster traditional Chinese culture and combat Western influences.

With its Western origins and ties to Western organizations—in addition to its rapid growth across China—Christianity threatens to derail President Xi’s Sinocentric goals. In response to this perceived threat, President Xi recently proposed revised religious regulations, which would severely curtail religious freedom.<sup>6</sup> The regulations and punishments imposed on religious worshippers would likely violate international human rights laws,<sup>7</sup> but President Xi’s crackdown on human rights lawyers has left Chinese Christians largely powerless against the state.<sup>8</sup> International reproach and media attention may be the only means available to help curb the abuse. Ultimately, however, the Chinese government has imposed religious restrictions since the days of the Tang Dynasty because the government had and continues to presume religious

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5. See Jessica Batke, *PRC Religious Policy: Serving the Gods of the CCP*, CHINA LEADERSHIP MONITOR, Winter 2017, <https://www.hoover.org/sites/default/files/research/docs/clm52jb.pdf>; see CHINA AID ASS’N, 2014 ANNUAL REPORT: RELIGIOUS AND HUMAN RIGHTS PERSECUTION IN CHINA: THE YEAR OF “PERSECUTION AND ENDURANCE,” JANUARY-DECEMBER 2014, 8 (2015) [hereinafter CHINA AID 2014 RPT.], <http://www.chinaaid.org/p/annual-persecution-reports.html> (explaining that the goal of “Christian sinicization is to prioritize loyalty to the CPC over religious identity and transform Christianity into a socialist force that complies with the authority of the Chinese government.”).

6. Zongjiao Shiwu Tiaoli Xiuding Cao’an (Songshen Gao) (宗教事务条例修订草案 送审稿) [Draft for the Revision of the Regulations on Religious Affairs (Deliberation Draft)] (promulgated by the St. Council’s Legislative Aff. Off., Sept. 8, 2016) [hereinafter 2016 Revised Draft of Regulations on Religious Affairs], [http://www.gov.cn/zhengce/content/2017-09/07/content\\_5223282.htm](http://www.gov.cn/zhengce/content/2017-09/07/content_5223282.htm) (China).

7. See International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171 (entered into force Mar. 23, 1976) (stating, in Article 18, that all people “shall have the right to freedom of thought, conscience and religion,” and that “[n]o one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice”).

8. See Jun Mai & Nectar Gan, *Rights Crackdown: Chinese Christian Activist Convicted for Subversion*, SOUTH CHINA MORNING POST (Aug. 5, 2016), <http://www.scmp.com/news/china/policies-politics/article/1999498/rights-crackdown-chinese-christian-activist-convicted> (discussing the trial and sentencing of Gou Hongguo, a Chinese Christian human rights activist in the broader context of the “709 crackdown,” the colloquial term for the government’s detention and interrogation of approximately 300 human rights lawyers and activists in July 2015).

pretensions, essentially functioning as a “theocratic organization.”<sup>9</sup> In the eyes of the government, Chinese Christians owe two separate and incompatible loyalties: one to the state and one to their church.<sup>10</sup>

This paper addresses the Chinese government’s increasingly controversial treatment of Protestants and Catholics in China, exploring international methods potentially available to help Chinese Christians gain more religious freedom. In Part II.A, this paper provides a brief overview of Protestantism’s history in China, focusing on the growth of the religion during the 1920s and 1930s, and the consequences of the Communist victory in 1949. In Part II.B, this paper briefly reviews the history of Catholicism in China, again focusing on how the Communist victory in 1949 affected worshippers’ freedom to practice. Part II.C explores the consequences of the Cultural Revolution on the development of Protestantism and Catholicism, and posits a hypothesis explaining the current difference in the number of adherents of the two branches of Christianity.

Part III discusses the effects of President Xi’s rise to power on religious freedom for Christians; the human rights abuses launched by the government against worshippers, particularly against Protestant “house churches” (i.e., churches not registered with the state); and the already apparent effects of the proposed religious regulations on the ability to worship. Part III also examines President Xi’s influence on Chinese Catholicism and the contentious relationship between the CPC and the Vatican regarding the appointment of Chinese Catholic bishops.

Part IV explores the potential legal and political avenues available for Chinese Christians to successfully resist the gov-

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9. Daniel H. Bays, *A Tradition of State Dominance, in GOD AND CAESAR IN CHINA: POLICY IMPLICATIONS OF CHURCH-STATE TENSIONS* 25, 26–27 (Jason Kindopp & Carol Lee Hamrin eds., 2004); see Carol Lee Hamrin, *China’s Protestants: A Mustard Seed for Moral Renewal?*, AM. ENTERPRISE INST. 5 (May 14, 2008), <http://www.aei.org/publication/chinas-protestants/> (explaining that the CPC views itself as “China’s moral arbiter”: should citizens look to outside (i.e., Western) sources for moral guidance, the CPC’s complete control over societal morality may weaken).

10. See Bays, *supra* note 9, at 5 (describing how religious faith impedes the Communist Party’s goal of eliminating social and ideological competition).

ernment's regulations and to advocate for change. This section discusses the U.S. Commission on International Religious Freedom and its possible influence on the CPC, China Aid, and various other influential international organizations.<sup>11</sup> Part V concludes the thesis of this paper, emphasizing the need for continued and increased media attention to better expose the injustices Chinese Christians face and to potentially pressure the CPC to adhere to international norms of religious freedom.

## II. HISTORY OF CHRISTIANITY IN MODERN CHINA

Although China first encountered Christianity over a thousand years ago,<sup>12</sup> today's variations of Protestantism and Catholicism seen in China originated within the past two hundred years, with the early twentieth century bringing particularly critical developments to both denominations. During the 1920s, a time of political disarray due to, among many things, the rise of competing political parties after the fall of the Qing Dynasty, Christianity flourished without much state supervision, and the surplus of Christian missionaries and lack of central government oversight allowed Christianity to grow and develop stronger roots, which would prove critical for the coming challenges imposed by the CPC.<sup>13</sup> However, this lack of control would change when the Communist Party came to power.

Currently, despite the "freedom of religious belief" granted in Article 36 of the modern Chinese constitution,<sup>14</sup>

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11. It should be noted that this Note heavily relies on data provided by China Aid, an international non-profit Christian human rights organization (<http://www.chinaaid.org/p/the-mission.html>). This reliance has proven unavoidable: China Aid is often the only organization to shed light on critical grassroots issues and events. Despite the organization's religious affiliation, the author firmly believes in the journalistic integrity of China Aid's reporting.

12. See Fang, *supra* note 1 (explaining the origins of Chinese Christianity).

13. See Daniel H. Bays, *Christianity in China 1900-1950: The History that Shaped the Present*, GLOBAL CHINA CTR. (Apr. 22, 2008), <http://www.globalchinacenter.org/analysis/christianity-in-china/christianity-in-china-19001950-the-history-that-shaped-the-present.php> (explaining the historical context out of which modern Chinese Christianity grew).

14. XIANFA art. 36 (1982) (China) ("Citizens of the People's Republic of China enjoy freedom of religious belief. No State organ, public organization

the document offers no substantive protection over religious practice and limits freedom of religious belief to those considered “normal” religions—an entirely subjective term.<sup>15</sup> As elucidated by Jie Kang in *House Church Christianity in China*, scholars see three general developmental stages in the CPC’s attitude toward Chinese Christians during the post-1949 period: “strategic tolerance; suppression; and relaxation.”<sup>16</sup> This paper argues that President Xi’s term has established a fourth period—a return to strategic suppression.

#### A. *Modern Chinese Protestantism (Up to the Cultural Revolution)*

From its first introduction to China in 1807 by English missionaries, Protestantism slowly grew for the next 100 years.<sup>17</sup> The turn of the century and the Boxer Rebellion ignited further and faster growth, with Chinese Protestants numbering approximately 500,000 by 1920.<sup>18</sup>

In 1949, the Communists won the Chinese Civil War, and the new regime took a strong stance against Protestantism and its extensive foreign influence and origins.<sup>19</sup> The new government banished the 130 foreign missionary organizations in China, leaving the remaining 700,000 Chinese Protestants to worship without outside support.<sup>20</sup> In response to the undeniable Protestant presence in China and in an effort to rid China

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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.”).

15. See Joann Pittman, *What Does the Chinese Constitution Say About Religion?*, CHINA SOURCE (Mar. 19, 2013), <http://www.chinasource.org/blog/posts/what-does-the-chinese-constitution-say-about-religion> (noting that Chinese courts lack authority to consider the Constitution in reaching judicial decisions).

16. JIE KANG, *HOUSE CHURCH CHRISTIANITY IN CHINA: FROM RURAL PREACHERS TO CITY PASTORS 1* (2016).

17. Linlin Victoria Lu, *Protestant Christianity in the People’s Republic*, CHINA RES. CTR. (Jan. 29, 2016), [https://www.chinacenter.net/2016/china\\_currencies/15-1/protestant-christianity-in-the-peoples-republic/#\\_ftnref2](https://www.chinacenter.net/2016/china_currencies/15-1/protestant-christianity-in-the-peoples-republic/#_ftnref2).

18. *Id.*

19. *Id.*

20. *Id.*; see also Hamrin, *supra* note 9, at 1 (estimating approximately one million Protestants in China in 1949).

of foreign influence, in 1954, the CPC sanctioned the establishment of the Three-Self Patriotic Movement (TSPM), which created a “self-propagating, self-governing, and self-financing” church (the Three-Self Church) sponsored by the state.<sup>21</sup>

B. *Modern Chinese Catholicism (Up to the Cultural Revolution)*

Although the number of Protestants in China presently dwarfs the number of Catholics, Catholicism existed in China for centuries before Protestant missionaries entered the country and boasted significantly more practitioners than Protestantism at the time the Communists came to power in 1949.<sup>22</sup> In line with the CPC’s general antipathy toward foreign influence and competing loyalties, China cut its ties with the Vatican in 1951, expelling all missionaries and Vatican representatives from the country.<sup>23</sup>

As with Protestantism, the CPC established a state-run church for Catholic worshipers, the Chinese Catholic Patriotic Association (CCPA), in 1957.<sup>24</sup> Since its founding, the CCPA constitutes the only officially sanctioned Catholic organization in China, consecrating bishops in China without papal approval.<sup>25</sup> The Vatican refuses to recognize these bishops, but it should be noted that many are unofficially recognized.<sup>26</sup> De-

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21. See KANG, *supra* note 16, at 2–3 (explaining that the crux of the CPC’s opposition to Christianity stemmed from its “deep connection with Western imperialism,” and thus the government needed to establish its own alternative for Chinese Protestants).

22. See *Christianity in China*, CHINA HIGHLIGHTS, <https://www.chinahighlights.com/travelguide/christianity.htm> (last visited Feb. 18, 2018) (estimating approximately three million Catholics in China in 1949); *but see* Hamrin, *supra* note 9 (estimating approximately four million Catholics in China in 1949).

23. Ilaria Maria Sala & Isabel Steger, *Keeping the Faith: Some Catholics Are Deeply Disturbed that the Vatican Is Cozying Up to China’s Repressive Regime*, QUARTZ (Aug. 25, 2016), <https://qz.com/766171>.

24. *Id.*

25. See Berkley Ctr. for Religion, Peace & World Affairs, *Chinese Catholic Patriotic Association*, GEO. UNIV., <https://berkeleycenter.georgetown.edu/organizations/chinese-catholic-patriotic-association> (last visited Feb. 18, 2018).

26. See Harriet Sherwood, *Vatican Agreement with China Could ‘Deal Blow’ to Catholic Church*, <https://www.theguardian.com/world/2018/feb/13/vatican-agreement-with-china-could-deal-blow-to-catholic-church> (last visited Mar. 7, 2018) (noting that the Chinese government has appointed seven bishops who remain unrecognized by Rome, while over thirty “Rome-backed under-

spite recent negotiations discussed later in this paper, China and the Vatican currently lack formal diplomatic relations.

### C. *Christianity During the Cultural Revolution*

While many local governments persecuted Christians during the Great Leap Forward in the late 1950s,<sup>27</sup> Chairman Mao Zedong banned all religion outright—even state-sanctioned churches including the TSPM and CCPA—between 1966 and 1976, the decade of the Cultural Revolution.<sup>28</sup> Due to the complete ban on all religions, Christian history during this time remains a “black hole, the details of which are very scarce.”<sup>29</sup> Historian Daniel H. Bays estimates that despite the dearth of records and details from this era of total religious oppression, Protestantism in China managed to thrive and grow “by a factor of five or six” to number between approximately five or six million adherents in the late 1970s.<sup>30</sup> Thus, once the Cultural Revolution ended and churches reopened in 1978, Protestants were able to rally.

In contrast, Catholics only increased at the rate of the general population growth and, by the late 1970s, numbered between approximately five and six million.<sup>31</sup> Hays estimates that by the end of the 1970s, Protestants for the first time started to outnumber Catholics in China.<sup>32</sup> Hays attributes creativity and adaptability to this discrepancy in growth between the two denominations: Protestants, unconstrained by a need for recognition from a foreign authority, were better able to thrive than Catholics.<sup>33</sup> The Cultural Revolution, perhaps inadvertently, paved a new and essential path for Protestants in China by introducing underground (i.e., hidden) worship as a feasible means to evade state control and to practice religion unencumbered by state guidelines. Loyalty to the Vatican in-

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ground” bishops work in China despite a lack of Chinese government approval).

27. See DANIEL H. BAYS, *A NEW HISTORY OF CHRISTIANITY IN CHINA* 185 (2012).

28. *Id.*

29. *Id.*

30. *Id.* at 186.

31. *Id.* at 186–87.

32. *Id.* at 187.

33. *Id.* at 186.



hibited Catholics from fully taking control over their faith, thus stunting their growth.<sup>34</sup>

#### D. 1978 Onwards

After the death of Mao, the CPC's "management of religious affairs was not a time-consuming matter for top officials."<sup>35</sup> Deng Xiaoping focused on economic reforms and less on religious ideology, tolerating the reintroduction of seemingly innocuous religion into society.<sup>36</sup> As the government recovered from the havoc of the Cultural Revolution, it re-established the TSPM and the CCPA, although both widely abhorred by Chinese Christians.<sup>37</sup> In 1980, the CPC created two umbrella organizations—the China Christian Council for the TSPM, and the Catholic Bishops' Conference for the CCPA—designed to supplement communication between the government and local churches.<sup>38</sup>

Critically, in 1982, the CPC issued "The Basic Viewpoint and Policy on the Religious Question During Our Country's Socialist Period," commonly known as "Document 19," which provided a detailed account of the CPC's religious policy and remains in force today.<sup>39</sup> This document guarantees religious freedom, provided that the government deems the religious beliefs and practices "normal."<sup>40</sup> Under the CPC's religious policy, all churches—and any other religious institution—must register with the government, and the government will deem an unregistered institution categorically illegal, a status which leaves the institution and each of its members vulnera-

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34. *Id.*

35. *Id.* at 190.

36. *Id.* at 187–88.

37. *Id.* at 188 (explaining that many Chinese Christians viewed these administrative entities as "tools of repression").

38. *Id.* at 189.

39. See Donald MacInnis, *Religion in China Today: Policy and Practice*, 8–26 (1989) (translating Document 19 into English; the CPC intended Document 19 to address the "religious question" in China and establish a more systematic policy for Party members to follow).

40. *Id.* (citing § X of Document 19 which states, "The resolute protection of all normal religious activity suggests, at the same time, a determined crackdown on all criminal and antirevolutionary activities which hide behind the facade of religion, which includes all superstitious practices which fall outside the scope of religion and are injurious to the national welfare as well as to the life and property of the people.").

ble to administrative and criminal consequences.<sup>41</sup> Despite the vague and limited protection afforded by CPC regulations and the sporadic crackdowns against religious movements,<sup>42</sup> Christianity, particularly Protestantism, continued to flourish in the following decades, spreading from rural house churches to the cities, with increasingly diverse worshippers and more grandiose displays of devotion and religiosity.<sup>43</sup>

In July 2004, the CPC adopted a new version of the Regulations on Religious Affairs,<sup>44</sup> which again emphasized that Chinese citizens enjoy freedom of religious belief, while continuing to limit state protection only to government-approved “normal religious activities.”<sup>45</sup> The CPC insisted this new set of regulations would promote the protection of Chinese religious freedom, yet critics argue the regulations—still riddled with deliberate ambiguity—offer little, if any, more protection than what citizens’ previously enjoyed.<sup>46</sup> The vague parameters of protection outlined in the 2005 regulations allow local government officials to pick and choose what constitutes “normal” religious activities, leaving disfavored individuals and groups highly vulnerable to repression.<sup>47</sup> In 2005, Christians consti-

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41. *China: A Year After New Regulations, Religious Rights Still Restricted*, HUM. RTS. WATCH (Mar. 1, 2006), <https://www.hrw.org/news/2006/03/01/china-after-new-regulations-religious-rights-still-restricted>.

42. *See China Uses “Rule of Law” to Justify Falun Gong Crackdown*, HUM. RTS. WATCH (Nov. 9, 1999), <https://www.hrw.org/news/1999/11/09/china-uses-rule-law-justify-falun-gong-crackdown> (describing the CPC crackdown against Falun Gong, a purported “heretical cult.”); *see also China Targets Religious Group*, BBC NEWS (May 19, 2000), <http://news.bbc.co.uk/2/hi/asia-pacific/755525.stm> (discussing arrest of twenty members of the Mentuhui religious movement).

43. *See Hamrin, supra* note 9, at 1 (explaining that after Protestantism spread to the cities following the large growth of rural house churches during the 1980s, worshipper demographics shifted from mainly female, elderly, and illiterate to encompass men, youth, and the educated); *see also Johnson, infra* note 54 (explaining the visual potency of large churches in Shuitou, Zhejiang, where “bright red crosses” adorn churches with naves “several stories tall” and spires reaching “more than 100 feet”).

44. *Zongjiao Shiwu Tiaoli* (宗教事务条例) [Regulations on Religious Affairs] (promulgated by St. Council, July 7, 2004, effective Mar. 1, 2005), CLI.2.56332(EN) (Lawinfochina).

45. *Id.* art. 3.

46. *See China: A Year After New Regulations, supra* note 41 (explaining that local Chinese officials continue to repress religious activities that they deem outside the scope of the regulations).

47. *Id.*

tuted approximately five percent of China's total population, with Protestants representing four-fifths of that number.<sup>48</sup> The majority were unregistered with the government.<sup>49</sup>

Many Christian worshippers have justifiably resisted registering in order to avoid governmental interference in church activities, funding, administration, leadership, and religious practices and tenets. As of 2016, with approximately two-thirds of China's sixty million Protestants unaffiliated with officially registered churches, it seems clear that the CPC's attempt to contain and regulate Protestantism continues to fall short.<sup>50</sup> "House church Christians"—those Christians who worship in churches not registered with the state—justify their refusal to register by reasoning that Jesus Christ, rather than the CPC, heads their church.<sup>51</sup> Christians argue that the registered churches are merely "tools of the state," and that the official clergy's paramount concern revolves around avoiding politically or socially sensitive issues rather than on religion and spiritual teachings.<sup>52</sup>

Under President Xi, who sees Christianity as a foreign influence threatening his new vision for China, religious freedom grows even more tenuous. Even though the CPC has regularly cracked down on unregistered religious groups over the past twenty years, during that time, China undeniably experienced a religious revival.<sup>53</sup> Former Chinese President Hu Jintao, at least superficially, supported a policy of free religious

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48. Hamrin, *supra* note 9, at 1.

49. *Id.*

50. Johnson, *supra* note 2 (noting that Protestants worshipping in non-registered churches "outnumber worshippers in government churches two to one," notwithstanding the government's attempts to stifle growth of unofficial religion).

51. FREEDOM HOUSE, *THE BATTLE FOR CHINA'S SPIRIT: RELIGIOUS REVIVAL, REPRESSION, AND RESISTANCE UNDER XI JINPING* 45 (2017), [https://freedomhouse.org/sites/default/files/FH\\_ChinasSprit2016\\_FULL\\_FINAL\\_140pages\\_compressed.pdf](https://freedomhouse.org/sites/default/files/FH_ChinasSprit2016_FULL_FINAL_140pages_compressed.pdf) (explaining that some Protestants believe that the TSPM follows CPC doctrine, not Jesus Christ or the Bible).

52. Ian Johnson, *China Seeks Tighter Grip in Wake of a Religious Revival*, N.Y. TIMES (Oct. 7, 2016), <https://www.nytimes.com/2016/10/08/world/asia/china-religion-regulations.html>.

53. Ian Johnson, *Decapitated Churches in China's Christian Heartland*, N.Y. TIMES (May 21, 2016), <https://www.nytimes.com/2016/05/22/world/asia/china-christians-zhejiang.html>.

belief.<sup>54</sup> In 2014, however, two years after President Xi took control of the CPC, any strides toward greater religious freedom for Chinese citizens drastically regressed. Beginning in 2014, provincial governments began a widespread attack on Christians—particularly those who worship in Protestant house churches—that has continued to the present.<sup>55</sup>

This paper ultimately argues that the current repression of Christians in China reflects President Xi's general goal of party infiltration into every aspect of society,<sup>56</sup> and calls for continued and increased international media attention on the human rights abuses perpetrated by the government. Greater international media attention may effectively pressure the CPC to show greater respect for the religious freedom of the Chinese people.

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54. See Du Guodong, *Hu Stresses Full Implementation of Free Religious Policy*, XINHUA (Dec. 19, 2007), <http://www.china-embassy.org/eng/zt/zgrq/t391520.htm>; see also Hu Jintao: Let Your People Go, U.S. COMMISSION ON INT'L RELIGIOUS FREEDOM, <http://www.uscirf.gov/news-room/press-releases/hu-jintao-let-your-people-go> (despite Hu's claimed commitment to religious freedom, this press release notes that, as of January 2011, there were "an estimated 1,300 political and religious prisoners in China").

55. See Johnson, *supra* note 53 (discussing how several churches across the Zhejiang Province were forced to remove their crosses).

56. See Chris Buckley, *Xi Jinping Opens China's Party Congress, His Hold Tighter Than Ever*, N.Y. TIMES (Oct. 17, 2017), <https://www.nytimes.com/2017/10/17/world/asia/xi-jinping-communist-party-china.html?rref=collection%2Ftimestopic%2FXi%20Jinping> (noting that Xi is "expected to enshrine his authoritarian vision for revitalizing the party"); see also Chris Buckley & Keith Bradsher, *China Moves to Let Xi Stay in Power by Abolishing Term Limit*, N.Y. TIMES (Feb. 25, 2018), <https://www.nytimes.com/2018/02/25/world/asia/china-xi-jinping.html> (explaining that a new draft amendment to the preamble of China's Constitution includes a reference to Xi Jinping's ideology, "Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era"); see also Salvatore Babones, *China's Constitutional Amendments Are All About The Party, Not The President*, FORBES (Mar. 11, 2018), <https://www.forbes.com/sites/salvatorebabones/2018/03/11/chinas-constitutional-amendments-are-all-about-the-party-not-the-president/#ad73bc71615a> (discussing the recent National People's Congress vote confirming the adoption of this preamble amendment and various other Constitutional amendments, including the abolishment of presidential term limits).

### III. PRESIDENT XI'S INFLUENCE AND PROPOSED NEW RELIGIOUS REGULATIONS

President Xi's crackdown hit Christians in Zhejiang Province particularly hard and foreshadowed a nation-wide effort to combat religious groups. Zhejiang is an affluent province located on the southeastern coast just south of Shanghai, with a dense population of over 55,900,000 people; and despite being one of China's smallest provinces, Zhejiang embodies one of China's main literary and cultural centers.<sup>57</sup> Because of the highly concentrated Christian population in Zhejiang, the persecution data and anecdotes gathered from this province well illustrate the drastic change in government oversight of Christian churches and individuals.

In an April 2016 leadership conference, President Xi gave a speech—the first in fifteen years regarding the CPC's religious policy—which informed his audience of the dangers of Western religious influence and the need to "Sinicize" all religion in China.<sup>58</sup> In his speech, President Xi urgently reminded that party members must be Marxist atheists, although party decrees for the prior twenty years refrained from explicitly mentioning such an obligation.<sup>59</sup>

In September 2016, the State Administration of Religious Affairs (SARA) published a draft of new religious regulations designed to ensure the CPC's tighter control over religion.<sup>60</sup>

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57. *Zhejiang*, ENCYCLOPEDIA BRITANNICA, <https://www.britannica.com/place/Zhejiang> (last visited Feb. 18, 2018); see *China: Zhejiang*, CITY POPULATION, <http://www.citypopulation.de/China-Zhejiang.html> (last visited Feb. 18, 2018) (estimating Zhejiang's population, as of December 31, 2016, to be 55,900,000).

58. See Johnson, *supra* note 53 (noting that President Xi's speech reveals "the government's longstanding fear that Christianity could undermine the party's authority"); see also Shaohui Tian, *China Focus: Xi Calls for Improved Religious Work*, XINHUANET (Apr. 23, 2016), [http://www.xinhuanet.com/english/2016-04/23/c\\_135306131.htm](http://www.xinhuanet.com/english/2016-04/23/c_135306131.htm) (noting that President Xi said, "We must resolutely guard against overseas infiltrations via religious means and prevent ideological infringement by extremists.").

59. Charlie Campbell, *China's Leader Xi Jinping Reminds Party Members to Be 'Unyielding Marxist Atheists'*, TIME (Apr. 25, 2016), <http://time.com/4306179/china-religion-freedom-xi-jinping-muslim-christian-xinjiang-budhist-tibet/>.

60. See Johnson, *supra* note 52 (explaining President Xi's justification for the measures as his fears that foreign powers would use religion to infiltrate China).

With an original anticipated adoption date of October 2016, the draft regulations officially came into effect on February 1, 2018.<sup>61</sup> The regulations reflect President Xi's overarching, steadfast commitment to stronger party control over all aspects of society.<sup>62</sup> In conjunction with the new draft regulations, local governments across China have already adopted corresponding laws and regulations regarding religion.<sup>63</sup>

### A. *Repression by the Numbers*

The China Aid Association ("China Aid"), a Texas-based international Christian human-rights non-profit organization "committed to promoting religious freedom and the rule of law in China," publishes annual reports documenting the CPC's persecution of churches and Christians.<sup>64</sup> China Aid's annual reports track six categories of data: (1) the total number of persecution cases; (2) the number of persecuted practitioners; (3) the number of Chinese citizens detained; (4) the number of citizens sentenced; (5) the number of severe abuse cases; and (6) the number of people in severe abuse cases.<sup>65</sup>

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61. Zongjiao Shiwu Tiaoli (宗教事务条例) [Religious Affairs Ordinance] (promulgated by the St. Council, June 14, 2017, effective Feb. 1, 2018), [http://www.gov.cn/zhengce/content/2017-09/07/content\\_5223282.htm](http://www.gov.cn/zhengce/content/2017-09/07/content_5223282.htm); see Christian Shepherd, *China Tightens Regulation of Religion to 'Block Extremism'*, REUTERS (Sept. 7, 2017), <https://www.reuters.com/article/us-china-religion/china-tightens-regulation-of-religion-to-block-extremism-idUSKCN1B11IH> (explaining that in September 2017, the CPC passed the new regulations, which will officially come into effect in February, 2018).

62. See Buckley, *supra* note 56 (explaining that during his first term, Xi focused on "tightening control on society" which entailed a crackdown on party members, activists, and the media). President Xi's second term, as alluded to in Xi's opening speech for the Communist Party congress, will likely lead to increased party control and an even stronger "disciplinary state." *Id.*

63. See CHINA AID ASS'N, 2016 ANNUAL REPORT: CHINESE GOVERNMENT PERSECUTION OF CHURCHES AND CHRISTIANS IN MAINLAND CHINA: JANUARY-DECEMBER 2016 (2017) [hereinafter CHINA AID 2016 RPT.], at 5, <http://www.chinaaid.org/p/annual-persecution-reports.html> (noting that in anticipation of the new draft regulations, "local religious departments of government introduced a series of corresponding laws and regulations").

64. CHINA AID ASS'N, *Our Mission*, <http://www.chinaaid.org/p/the-mission.html> (last visited Feb. 18, 2018).

65. CHINA AID ASS'N, 2015 ANNUAL REPORT: CHINESE GOVERNMENT PERSECUTION OF CHURCHES AND CHRISTIANS IN MAINLAND CHINA, JANUARY-DECEMBER 2015, 5 (2016) [hereinafter CHINA AID 2015 RPT.], <http://www.chinaaid.org/p/annual-persecution-reports.html>.

The first category (i.e., the total number of persecution cases) refers to the total number of recorded instances of threats, inordinate fines, property confiscation, interrogation, arrest, and other abuses.<sup>66</sup> The second category indicates the number of individuals implicated in those persecution cases.<sup>67</sup>

The 2014, 2015, and 2016 annual reports compare and contrast these six categories of data with that gathered in previous years, providing enlightening statistics revealing the increased persecution of Chinese Christians.<sup>68</sup> In addition to statistical data, the China Aid Annual Reports provide anecdotal accounts of persecution and human rights violations, shedding greater light on the humanitarian crisis unfolding under President Xi's supervision.<sup>69</sup> Few other organizations publish persecution data on par with the comprehensive nature of China Aid's reports, rendering these reports essential to understand better the changes—and challenges—Christians in China currently face.

### 1. 2014 Annual Report

China Aid's 2014 Annual Report reveals a striking increase in persecution of religious—particularly Christian—Chinese citizens and organizations.<sup>70</sup> The report notes that a combination of factors likely contributed to the broader effort to stabilize society and, more specifically, to the crackdown on religion: (1) the general slowing of China's economic growth, (2) competing political factions—as shown by the 2013 Bo Xilai and 2014 Zhou Yongkang scandals—and (3) growth in Christian adherents, as shown by the rapid increase of both rural and urban house churches.<sup>71</sup>

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66. CHINA AID ASS'N, 2009 ANNUAL REPORT OF PERSECUTION BY THE GOVERNMENT ON CHRISTIAN HOUSE CHURCHES WITHIN MAINLAND CHINA, JANUARY-DECEMBER 2009, 2, <http://www.chinaaid.org/p/annual-persecution-reports.html>.

67. CHINA AID 2015 RPT., *supra* note 65, at 5.

68. CHINA AID 2014 RPT., *supra* note 5, at 3; CHINA AID 2015 RPT., *supra* note 65, at 5; CHINA AID 2016 RPT., *supra* note 63, at 35.

69. *See, e.g.*, CHINA AID 2016 RPT., *supra* note 63, at 29. It should be noted that the information China Aid gathers focuses on Protestant, rather than Catholic, persecution.

70. *See* CHINA AID 2014 RPT., *supra* note 5, at 2 (describing the CPC's stance toward TSPM churches and house churches as "perhaps the most severe suppressive measures since the Cultural Revolution").

71. *Id.* at 1–2.

In 2014, according to data received by China Aid, government persecution of religious practitioners and human rights advocates increased by 152.74% throughout the country.<sup>72</sup> China Aid recorded 572 religious persecution cases across China, which represented an increase of 300 percent over the previous year.<sup>73</sup> The number of religious practitioners persecuted rose by 140.89% compared to 2013, with a 103.67% increase in those detained and a 10,516.67% increase in those sentenced.<sup>74</sup> The number of severe abuse cases increased by 343.75%, while the number of abused individuals rose by 384%.<sup>75</sup> The increase in religious persecution reflects President Xi's broader ambitions to "reform" through increased party control rather than through "economic liberalization" as his predecessors endeavored decades ago.<sup>76</sup>

## 2. 2015 Annual Report

The 2015 Annual Report notes that Christians in provinces and autonomous regions most severely targeted by increasingly vigilant local governments included those in Zhejiang, Guangdong, Guizhou, Guangxi, Sichuan, Xinjiang, and Tibet.<sup>77</sup> Across the country, persecution increased significantly from the prior year.<sup>78</sup> Methods employed in this widespread effort to increase suppression of house churches include the forced closure of house churches, pressure on house churches to register as TSPM Churches, detention and criminal sentencing of church leaders, as well as a ban on proselytizing students.<sup>79</sup> Compared with 2014, in China's rural areas, authorities confiscated greater numbers of church assets, imposed more drastic fines, and detained a greater number of church leaders by launching criminal charges, including allegations of cult involvement, more frequently than in the past.<sup>80</sup>

China Aid collected data indicating that in 2015, throughout China, Christians faced 634 cases of persecution—a

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72. *Id.* at 10.

73. *Id.*

74. *Id.* at 11.

75. *Id.*

76. Buckley, *supra* note 56.

77. See CHINA AID 2015 RPT., *supra* note 65, at 4.

78. *Id.* at 5.

79. *Id.* at 14.

80. *Id.* at 14–15.



10.84% increase in persecution from 2014.<sup>81</sup> In those cases, 19,426 individuals were persecuted—an 8.62% increase from 2014—with 3,178 people arrested or summoned, a 6.15% increase over 2014.<sup>82</sup> However, the 232 people given prison sentences in 2015 represents an 81.79% decrease from the year before.<sup>83</sup> China Aid found a total of 195 cases of verbal, mental, and physical abuse—an increase of 174.65% over 2014—with 463 individuals persecuted in these cases, a 91.32% increase from 2014.<sup>84</sup> The report emphasizes that the data collected only includes the cases made known to China Aid, and “the actual figures are almost certainly far higher.”<sup>85</sup>

### 3. *Religious Affairs Ordinance and the 2016 Annual Report*

As discussed above, persecution of Chinese Christians increased in 2016 due to the combination of President Xi’s speech in April 2016, which reaffirmed his commitment to Sinicization of religion in China; SARA’s release in September 2016 of the Revised Draft of Regulations on Religious Affairs (“2016 draft”); and the subsequent adoption by local governments of laws and regulations in accordance with this draft.<sup>86</sup> At the 176th executive meeting of the State Council on June 14, 2017, the CPC adopted the Religious Affairs Ordinance (“RAO”)—a revised version of the 2016 draft, officially entering into effect on February 1, 2018.<sup>87</sup>

#### a. Religious Affairs Ordinance

The RAO establishes the legal groundwork for President Xi’s Sinicization of religion.<sup>88</sup> Compared to the 2005 regula-

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81. *Id.* at 20.

82. *Id.*

83. *Id.*

84. *Id.*

85. *Id.* at 24.

86. See CHINA AID 2016 RPT., *supra* note 63, at 5 (noting President Xi’s Sinicization campaign and government agencies’ implementation of the Party’s guidelines); see also 2016 Revised Draft of Regulations on Religious Affairs, *supra* note 6.

87. Zongjiao Shiwu Tiaoli (宗教事务条例) [Religious Affairs Ordinance], *supra* note 61.

88. See CHINA AID 2016 RPT., *supra* note 63, at 5 (explaining that the 2016 draft aims to implement President Xi’s stance at the National Conference of Religious Work in April 2016, where he indicated that ‘religion should persistently follow the path of Sinicization’).

tions, the RAO introduces critical new restrictions which, according to critics such as China Aid, violate the Chinese Constitution as well as China's commitment to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the United Nations' Convention on the Rights of the Child.<sup>89</sup> The RAO reflects President Xi's departure from his predecessors' more moderate approach to religion and Xi's determination to stymie Christianity's expansion, without regard for international or domestic law.

Like the 2005 regulations, the RAO purports to adhere to the Chinese Constitution; to guarantee citizens' freedom of religious belief and protection of "normal" religious activities; to require all religions to maintain independence and self-management; to contain various tax provisions—even though the RAO includes more detailed and onerous tax responsibilities on the part of religious organizations, schools, sites, and personnel; and to outline, in a separate chapter, legal liability.<sup>90</sup> The RAO, however, imposes additional requirements for religious organizations and individuals and has a broader scope than previous regulations. The 2005 regulations contain seven chapters and forty-eight articles; the RAO expands the regulations to a total of nine chapters and seventy-seven articles.<sup>91</sup> The RAO largely contains the same content as the 2005 regulations, but it adds new language targeting religious activities in schools, focuses more on religious extremism and national security, and contains various provisions relating to Internet activity.<sup>92</sup> Throughout, the regulations emphasize, with more force than ever before, the registration requirement for religious organizations.<sup>93</sup>

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89. Brynne Lawrence, *China's Religious Persecution Report Summary (2015-2016): An Executive Summary*, CHINA AID ASS'N (Oct. 5, 2016), <http://www.chinaaid.org/2016/10/chinas-religious-persecution-report.html>.

90. See *Zongjiao Shiwu Tiaoli* (宗教事务条例) [Religious Affairs Ordinance], *supra* note 61, arts. 4, 5, 59, ch. VIII.

91. Compare *id.*, with *Zongjiao Shiwu Tiaoli* (宗教事务条例) [Regulation on Religious Affairs] (promulgated by St. Council for Religious Aff., Nov. 30, 2004, effective Mar. 1, 2005), CLI.2.56332 (EN) (Lawinfochina).

92. *Zongjiao Shiwu Tiaoli* (宗教事务条例) [Religious Affairs Ordinance], *supra* note 61, arts. 47, 48 (detailing various Internet restrictions).

93. See Johnson, *supra* note 52 (stating that, while the registration requirement has long been in effect, the new regulations are more explicit about the need to do so).

Chapter 4 of the RAO establishes more onerous requirements for registering religious activity venues and strengthens local government supervision—religious groups must now request approval from county, city, and provincial-level religious departments.<sup>94</sup> The religious sites themselves (i.e., their construction, maintenance, and management) are subject to ceaseless government oversight.<sup>95</sup>

In what appears to be a part of the CPC's broader attempt to remove foreign influences, the RAO introduces greater restrictions on the donations that religious groups, religious schools, and religious activity sites may accept from foreign organizations and individuals.<sup>96</sup> Similarly, the RAO imposes restrictions on the ability of religious practitioners to travel abroad, to accept religious students studying overseas,<sup>97</sup> or to recruit foreign professionals for religious school purposes.<sup>98</sup>

The RAO imposes new restrictions on preaching at or conducting religious activities in schools.<sup>99</sup> Article 11 prohibits all churches not registered with a national religious group (i.e., house churches and churches from abroad) from establishing religious schools,<sup>100</sup> thus preventing non-registered churches from establishing seminaries. Absent in the 2005 regulations, the RAO now contains a provision (Article 44) explicitly forbidding the spread of religion, religious activities, organization of religious activities, or the establishment of religious sites within public schools.<sup>101</sup>

Chapter 8 of the RAO, which covers legal liability, imposes new fines. For example, Article 64 warns that the Religious Affairs Department will stop any unauthorized large religious activities and may impose a fine of somewhere between one hundred thousand to three hundred thousand Yuan.<sup>102</sup> Article 69 indicates that activities conducted without authoriza-

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94. CHINA AID 2016 RPT., *supra* note 63, at 8; *see also* Zongjiao Shiwu Tiaoli (宗教事务条例) [Religious Affairs Ordinance], *supra* note 61, ch.4.

95. *See* Zongjiao Shiwu Tiaoli (宗教事务条例) [Religious Affairs Ordinance], *supra* note 61, ch.4.

96. *Id.* art. 57.

97. *Id.* art. 9.

98. *Id.* art. 17.

99. *Id.* art. 41.

100. *Id.* art. 11.

101. *Id.* art. 44.

102. *Id.* art. 64.

tion at religious sites are banned and if the income associated with these activities cannot be determined, the Religious Affairs Department may levy a fine up to a maximum of fifty thousand Yuan.<sup>103</sup> Article 70 contains a provision on the unauthorized organization of religious pilgrimages abroad or travel abroad for religious purposes, noting that the Religious Affairs Department may fine perpetrators between twenty thousand and two hundred thousand Yuan.<sup>104</sup> Article 72 addresses the building of large open-air religious statues in violation of regulations to cease and be dismantled, with illegal income confiscated, and “in serious cases,” authorities will impose an additional fine of five to ten percent of the total construction costs.<sup>105</sup>

The RAO allows religious organizations, schools, sites, and personnel to establish “social welfare charities” and benefit from preferential policies in line with national regulations, but Article 56 expressly prohibits the use of charitable activities to spread religion.<sup>106</sup> Ian Johnson argues that this provision, like the provisions which prohibit the commercialization of holy sites and which encourage more transparent government oversight, “suggests that Mr. Xi wants closer government supervision of religious life in China but is willing to accept its existence.”<sup>107</sup>

Regardless of whether President Xi is willing to accept religious activity in China, the RAO reveals his unwillingness to protect true religious freedom—in fact, it shows a decided determination to rein in and debilitate any religious activity outside of the two state-controlled Christian organizations. Even churches registered with the TSPM or the CCPA will face harsher requirements and increased government oversight through required submission of accounting ledgers, as well as revenue and expenditure reports; increased inspection and management by authorities; and regular reporting of church

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103. *Id.* art. 69.

104. *Id.* art. 70.

105. *Id.* art. 72; see Thomas DuBois, *China's Religion Law: 2005 vs. 2016*, ACADEMIA, art. 69, [https://www.academia.edu/28414977/Chinas\\_Religion\\_Law\\_2005\\_vs.\\_2016](https://www.academia.edu/28414977/Chinas_Religion_Law_2005_vs._2016) (showing a side-by-side comparison of provisions from the 2005 regulations and the 2016 draft).

106. Zongjiao Shiwu Tiaoli (浙江省工程建设标准) [Religious Affairs Ordinance], *supra* note 61, art. 56.

107. Johnson, *supra* note 52.

members' identities to local authorities.<sup>108</sup> The RAO clearly warns followers of any and all faiths in China: any religious activity failing to conform to President Xi's vision of Sinicization must be stopped. The RAO represents but one piece in President Xi's plan to gain stronger control over Chinese society as a whole.

b. 2016 Annual Report

China Aid's 2016 Annual Report discusses the 2016 draft regulations, noting that the government remained silent after—having requested feedback from Christian scholars, pastors, church members, and human rights lawyers—it received a collective response in the form of a letter requesting an interpretation of the meaning of “freedom of religious belief” in China's Constitution, as well as an interpretation of the meaning of the draft.<sup>109</sup>

In 2016, China Aid recorded 762 persecution cases, which represents an increase from 2015 of 20.2%.<sup>110</sup> In those 762 persecution cases, more than 48,100 individuals were detained, which represents an increase from 2015 of 147.6%.<sup>111</sup> Of those detained, more than 3,526 were arrested, representing an increase of 11% from 2015.<sup>112</sup> In 2016, 303 individuals received prison sentences, an increase of 30% over the previous year.<sup>113</sup> With 278 abuse cases in 2016, this represented an increase of 42.6% from the year before.<sup>114</sup> In those abuse cases, 785 individuals were abused, representing a 69.5% increase from the previous year.<sup>115</sup> The six categories of persecution taken altogether, China Aid calculates an increase of more than ten percent compared to 2015.<sup>116</sup>

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108. Mimi Lau, *Why Are Chinese Christians So Concerned About New Religious Affairs Regulations?*, SOUTH CHINA MORNING POST (Oct. 23, 2016), <http://www.scmp.com/news/china/policies-politics/article/2038929/why-are-chinese-christians-so-concerned-about-new>.

109. CHINA AID 2016 RPT., *supra* note 63, at 8.

110. *Id.* at 35.

111. *Id.*

112. *Id.*

113. *Id.*

114. *Id.*

115. *Id.*

116. *See id.* at 37 (noting that this increase in persecution proves that “the oppression of the Communist Party is intensifying at an annual rate”).

China Aid found extensive stories of physical abuse, detention in “black jails” (i.e., extralegal detention facilities—whose existence the Chinese government denies—where local government authorities or security companies privately contracted by the government hold and abuse Chinese citizens),<sup>117</sup> and other forms of persecution against Christians across China.<sup>118</sup>

### B. *Zhejiang*

The situation in Zhejiang requires particular attention, as the persecution statistics in this province—due to its large concentration of Christians<sup>119</sup>—best reveal the growing intensity of the government crackdown on religion. Life in Zhejiang for Christians grows increasingly difficult.

Government authorities in Zhejiang adhere to the “Three Rectifications and One Demolition” campaign established in 2014, which gives officials a legal means to destroy church buildings by characterizing them as illegal structures.<sup>120</sup> In 2014, China Aid’s statistics revealed that authorities demolished more than thirty churches, removed 422 crosses, took over 300 Christians into police custody, physically injured 150 people, criminally or administratively detained at least sixty Christians, and arrested over ten pastors and church leaders.<sup>121</sup> Yet China Aid, in its 2014 Annual Report, notes that these figures likely capture only a fraction of the persecution in Zhejiang, with unverified local news outlets reporting

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117. See Didi Kirsten Tatlow, *Rights Group Details Abuse in ‘Black Jails’*, N.Y. TIMES: SINOSPHERE (Oct. 20, 2014), [https://sinosphere.blogs.nytimes.com/2014/10/20/rights-group-details-abuse-in-black-jails/?\\_r=0](https://sinosphere.blogs.nytimes.com/2014/10/20/rights-group-details-abuse-in-black-jails/?_r=0) (noting that a disproportionate amount of those detained—approximately eighty percent—are women).

118. See CHINA AID 2016 RPT., *supra* note 63, at 41, 43, 47 (detailing specific acts of persecution against Christians in China, such as the destruction of a Christian wedding, Christians being taken into police custody for gathering, and churches being forcibly demolished).

119. See Cal Wong, *Why China Fears Christianity*, THE DIPLOMAT (May 31, 2016), <https://thediplomat.com/2016/05/why-china-fears-christianity/> (noting that Zhejiang is “home to the country’s largest Christian population”).

120. See CHINA AID 2015 RPT., *supra* note 65, at 5 (discussing the continuing use of the “Three Rectifications and One Demolition” campaign by Zhejiang authorities and specific instances of persecution).

121. CHINA AID 2014 RPT., *supra* note 5, at 3.

thousands of crosses forcibly removed, fifty churches demolished, and at least 1,300 Christians detained, arrested, or otherwise held in custody.<sup>122</sup>

In 2014, approximately a year after its completed construction, the official TSPM-registered Sanjiang Church in Wenzhou, Zhejiang—a town frequently referred to as “China’s Jerusalem” because of its sheer number of churches—crumbled after authorities ordered its demolition due to purported violations of zoning regulations.<sup>123</sup> The Sanjiang Church, constructed using \$5.5 million in donations, covered approximately 100,000 square feet, which vastly exceeded the 20,000 square feet it could legally occupy with its various permits.<sup>124</sup> Ian Johnson reported that President Xi’s ally, Xia Baolong, likely spurred the demolition after he visited the area and—because the church’s profile could be seen in the skyline of Wenzhou’s new economic zone—decided that the looming Western religious building must be torn down.<sup>125</sup>

In 2015, Zhejiang’s provincial government introduced a new thirty-six-page directive specifically regulating the display of church crosses.<sup>126</sup> As reported by *The New York Times*, crosses cannot be placed on the roofs of churches but instead must be placed on the façades; they must be painted the same color as the building, so as not to draw attention; and, with regard to

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122. *Id.* at 4.

123. See Ian Johnson, *Church-State Clash in China Coalesces Around a Toppled Spire*, N.Y. TIMES (May 29, 2014), <https://www.nytimes.com/2014/05/30/world/asia/church-state-clash-in-china-coalesces-around-a-toppled-spire.html> (noting that in 2011, the church’s congregation and the local bureau of religious affairs signed an agreement to allow construction of the church).

124. *Id.*

125. *Id.*

126. See Michael Forsythe, *Chinese Province Issues Draft Regulation on Church Crosses*, N.Y. TIMES (May 8, 2015), <https://www.nytimes.com/2015/05/09/world/asia/china-church-crosses.html?action=click&contentCollection=asia%20Pacific&module=RelatedCoverage&region=EndOfArticle&pgtype=article>; see also Zhejiang Sheng Gong Cheng Jian Se Biao Zun “Zhejiang Sheng Zhong Jiao Jian Zhu Guai Fan” (Shi Xing) (Zheng Qiu Yi Jian Goa) (《浙江省宗教建筑规范》(试行) (征求意见稿)) [Zhejiang Province Construction Standard “Zhejiang Province Catholic Building Model” (Demo) (Opinion Request Draft)] (promulgated by Zhejiang Provincial Dep’t of Housing and Urb.-Rural Dev., 2015), <http://www.zjjs.gov.cn/jsxx/file/201505/20150505901.pdf>.

size, they cannot exceed more than one-tenth the height of the building's façade.<sup>127</sup>

By the end of 2015, Zhejiang authorities had demolished at least twenty churches, removed at least 1,300 crosses, taken at least 500 Christians into police custody, physically injured at least 130 Christians, administratively or criminally detained at least sixty Christians, and arrested or charged at least twenty-eight pastors and Christians.<sup>128</sup> In total, approximately ninety percent of the province's church crosses were destroyed, as were several churches.<sup>129</sup> In one case, which occurred in June 2015, government authorities demolished another TSPM-registered church, which cost \$1.6 million in construction, in Wenling city, Zhejiang.<sup>130</sup> The authorities maintained that the church constituted an "illegal structure."<sup>131</sup>

In addition to the cross-demolition campaign and the destruction of churches throughout Zhejiang, the provincial government introduced the "five entries and five transformations" campaign in 2015, which aims to Sinicize religion by adding to church activities "laws and regulations, health care, popular science and culture, helping and supporting the poor, and building harmony."<sup>132</sup> The second part of the campaign encourages "localizing religion (through adopting local architectural styles for church buildings), standardizing management, indigenizing theology (by contextualizing sermons), [establishing] financial transparency and adapting Christian teachings."<sup>133</sup> However, China Aid asserts this campaign's true goals are to halt Christianity's growth by mutating it into a purely charitable, rather than religious, organization; to suppress outward manifestations of the religion (i.e., crosses and churches); to throw church leaders in jail and to threaten their supporters; to ruin the finances of churches; and to place the CPC as the head of the church.<sup>134</sup> Since June 2016,

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127. *Id.*

128. CHINA AID 2015 RPT., *supra* note 65, at 5.

129. *Id.* at 4.

130. *Id.* at 6.

131. *Id.*

132. *Id.* at 18.

133. *Id.*

134. *Id.* at 19.



churches in Zhejiang must hang or display the Chinese flag, with some forced to display the CPC flag as well.<sup>135</sup>

In 2016, the Zhejiang provincial government continued to escalate its anti-Christian efforts with increased surveillance. The government established a “grid system” in the Lucheng district of Wenzhou, where the district is divided into 111 grids, monitored by approximately 1,500 religious affairs bureau officers.<sup>136</sup> For alleged safety and anti-terrorism purposes, since March 2017, Zhejiang authorities now require TSPM-registered churches to install surveillance cameras for easier monitoring.<sup>137</sup>

Across Zhejiang, those Christians who protest cross or church demolitions face the threat of detention and retaliation. For example, in August 2015, authorities in Jinhua, Zhejiang detained Pastor Bao Guohua, his wife, and ten others who either belonged to his church or to a Christian group in the same city.<sup>138</sup> According to the church’s lawyer, Chen Jiangang, the detention occurred as retaliation against Pastor Bao for openly protesting against the removal of a cross on their church.<sup>139</sup> In February 2016, a court convicted Pastor Bao and his wife of corruption, financial crimes, and gathering people to disturb social order, and sentenced them to prison for fourteen years and twelve years respectively.<sup>140</sup>

In early 2016, authorities detained Gu Yuese, pastor of one of China’s largest TSPM-registered church, after he openly protested the destruction of crosses throughout Zhejiang.<sup>141</sup> Authorities justified Pastor Gu’s detention with the pre-

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135. CHINA AID 2016 RPT., *supra* note 63, at 14.

136. *Id.* at 13 (adding that “[e]ach village and household will be surveilled”).

137. *Zhejiang Province Orders Churches to Install Surveillance Equipment*, CHINA AID ASS’N (Apr. 2, 2017), <http://www.chinaaid.org/2017/04/zhejiang-province-orders-churches-to.html>.

138. Edward Wong, *Pastor in China Who Resisted Cross Removal Gets 14 Years in Prison*, N.Y. TIMES (Feb. 26, 2016), <https://www.nytimes.com/2016/02/27/world/asia/china-zhejiang-christians-pastor-crosses.html>.

139. *China Detains Zhejiang Christians Amid Cross Removal Dispute*, BBC NEWS (Aug. 5, 2015), <http://www.bbc.com/news/world-asia-china-33783463>.

140. *See* Wong, *supra* note 138.

141. *See China Pastor Gu Yuese Investigated for Corruption*, BBC NEWS (Feb. 1, 2016), <http://www.bbc.com/news/world-asia-china-35457150> (quoting Bob Fu, founder of China Aid, who characterized this treatment of Pastor Gu as

text of embezzlement.<sup>142</sup> Pastor Gu's wife went missing at the time of his detention.<sup>143</sup> Although authorities released Gu on bail in March 2016 and placed him under residential surveillance, they detained and arrested him again in late December 2016, accusing him again of embezzling funds.<sup>144</sup>

Zhang Kai, a human rights lawyer who moved to Zhejiang to defend churches against the province's cross demolition campaign and whom authorities detained in a black jail for six months in 2015,<sup>145</sup> gave an apparently forced televised confession in February 2016, where he admitted to "disturbing social order," "endangering state security," and behaving unprofessionally.<sup>146</sup> He also urged human rights lawyers to "not collude with foreigners."<sup>147</sup> Authorities detained Zhang hours before he arranged to meet with the U.S. ambassador-at-large for religious freedom to discuss the campaign against churches in Zhejiang.<sup>148</sup> Although authorities released Zhang on bail in March 2016, he remains under constant surveillance, and China Aid reported that the procuratorate and security depart-

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"political revenge" for his "disloyalty to the Chinese Communist Party's religious policy").

142. *Id.*; see Johnson, *supra* note 53 (noting that a few days after Pastor Gu's arrest, another church leader who had also protested the government's attack on crosses and churches had been "detained on similar charges").

143. See Rishi Iyengar, *China Has Imprisoned the Pastor of Its Largest Official Church*, TIME (Feb. 1, 2016), <http://time.com/4201870/china-hangzhou-pastor-gu-yuese-detained-crosses/> (explaining that family members were under the belief that she had also been detained).

144. *Authorities Arrest Highest-Profile Pastor Since Cultural Revolution*, CHINA AID ASS'N (Jan. 10, 2017), <http://www.chinaaid.org/2017/01/authorities-arrest-highest-profile.html>.

145. *Human Rights Attorney Zhang Kai Freed from 'Black Jail' in China*, THE MORNING STAR NEWS (Mar. 23, 2016), <https://morningstarnews.org/2016/03/human-rights-attorney-zang-kai-freed-from-black-jail-in-china/>.

146. *Chinese Human Rights Lawyer Zhang Kai Released*, CHRISTIAN SOLIDARITY WORLDWIDE (Mar. 23, 2016), <http://www.csw.org.uk/2016/03/23/news/3032/article.htm>; see Tom Phillips, *Anger as Christian Lawyer Paraded on Chinese State TV for 'Confession'*, GUARDIAN (Feb. 26, 2016), <https://www.theguardian.com/world/2016/feb/26/anger-as-christian-lawyer-is-paraded-on-chinese-state-tv-for-confession> (citing some of Kai's supporters who contended that the confession was "obviously scripted" and commented that forced confessions are a trademark of Xi Jinping's crackdown on dissent).

147. Phillips, *supra* note 146.

148. *Id.*

ments of Wenzhou, Zhejiang, recently summoned him for the twelfth time.<sup>149</sup>

The cases discussed above represent a mere fraction of the total persecution of Christians occurring across China. Zhejiang's cross-demolition campaign, its pervasive church surveillance program, and the widespread detention of human rights lawyers make freedom of religious belief impossible for Christians in the province. Under President Xi, the CPC's grasp of control tightens over society generally, including its attempt to strangle Christianity in China, rather than moderate or contain it. Although various international organizations repeatedly condemn China for its flagrant abuse of freedom of religion,<sup>150</sup> increased international media attention may be the best method to pressure the CPC to comply with international norms.

### C. *Catholic Bishops and Negotiations with Vatican*

Although the CPC broke official ties with the Vatican in 1951 and established the CCPA to oversee Catholic churches in China and to appoint its own priests and bishops, as of the end of 2016, at least a third of China's twelve million Catholics practice in underground congregations, outside of the CCPA.<sup>151</sup> The dispute between the CPC and the Vatican largely centers on the authority to name new bishops, the status of seven bishops the Vatican currently considers illegitimate, and the thirty or more bishops unrecognized by the CPC.<sup>152</sup> Notably, the Vatican views bishops as "divine successors of the apostles," who must be appointed by the Pope, while the CPC sees papal appointments as foreign interference

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149. *Christian Human Rights Lawyer Summoned 12 Times, Under Strict Surveillance*, CHINA AID ASS'N (July 7, 2017), <http://www.chinaaid.org/2017/07/christian-human-rights-lawyer-summoned.html>.

150. See generally Part IV (describing the effort that international organizations have put forth to help promote religious freedom for Christians in China).

151. See Michael Forsythe, *New Bishop in China Signals Hope for Relations With Vatican*, N.Y. TIMES (Aug. 5, 2015) (explaining that the CPC views papal control over the appointment of priests and bishops as "an affront to its sovereignty").

152. John Cardinal Tong, *The Future of the Sino-Vatican Dialogue from an Ecclesiological Point of View*, SUNDAY EXAMINER (Jan. 25, 2017), <http://sundayex.catholic.org.hk/node/4047>.

with China's sovereignty.<sup>153</sup> The Vatican in recent years has excommunicated various bishops appointed by the CCPA without papal approval, though most CCPA-appointed church officials receive papal approval prior to their official appointment by the state.<sup>154</sup>

For China, reconciliation with the Vatican may provide a substantial benefit: the reestablishment of diplomatic ties with China may lead the Vatican to cut its ties with Taiwan.<sup>155</sup> For the Vatican, reconciliation would establish a stronger and more formal connection between it and millions of Chinese Catholics. Inaugurated within three days of each other in March 2013, Pope Francis and President Xi have entered a promising new phase between the CPC and the Vatican,<sup>156</sup> with negotiations underway between the two.<sup>157</sup>

### 1. *Appointment of Bishops*

In his January 2017 article in the *Sunday Examiner*, Hong Kong Cardinal John Tong expressed optimism over the China-Vatican negotiations on the appointment of Catholic bishops in China.<sup>158</sup> Cardinal Tong reported that through frequent contacts, the two sides reached a preliminary consensus, with the Pope as the final authority in appointing a bishop, leaving the CCPA with essentially an advisory role to provide recommendations for episcopal candidates.<sup>159</sup> The CPC and the Vatican have yet to determine the Catholic Church's right to found schools, proselytize, or own property in China, but Car-

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153. See Chris Buckley, *Talks to Heal Catholic Rift in China Gain Momentum Under Francis*, N.Y. TIMES (Nov. 26, 2016), <https://www.nytimes.com/2016/11/26/world/asia/catholics-china-francis.html>.

154. *Id.*

155. *Id.*

156. Jane Perlez, *Xi Jinping's U.S. Visit: Not Wanting to Compete with Pope Francis, Xi Jinping Lingers in Seattle*, N.Y. TIMES (Sept. 24, 2015), <https://www.nytimes.com/interactive/projects/cp/reporters-notebook/xi-jinping-visit/china-pope-francis>.

157. *China, Vatican Talks on Bishops 'in Full Swing', Chinese Official Says*, SOUTH CHINA MORNING POST (Mar. 9, 2018), <http://www.scmp.com/news/china/policies-politics/article/2136592/china-vatican-talks-bishops-full-swing-chinese-official>.

158. See Tong, *supra* note 152 (emphasizing that if Beijing and the Vatican can reach an agreement on the appointment of bishops, the Church in China will gain greater freedom).

159. *Id.*

dinal Tong advocated that, ultimately, some freedom is better than none, and that “the moral principle of the Church teaches us to choose the lesser of two evils.”<sup>160</sup>

Conversely, Former Hong Kong pro-democracy bishop, Cardinal Joseph Zen Ze-kiun, sees the negotiations in a much less favorable light.<sup>161</sup> According to Cardinal Zen, the CPC wants more from the Vatican than just an agreement on the selection of bishops, and because the Church will not grant the CPC complete control over Catholics in China, the CPC refuses to sign the agreement.<sup>162</sup> Cardinal Zen welcomes this stalemate, as he sees “no improvement for Catholic life in China” thus far and believes that a deal based on current negotiations between the Vatican and the CPC “would be a disaster.”<sup>163</sup> Additionally, Cardinal Zen views a rapprochement between the two parties as symbolizing Vatican’s abandonment of the 300,000 Catholics in Taiwan.<sup>164</sup>

## 2. *Seven Illegitimate Bishops*

Cardinal Tong addresses the issue of the seven illegitimate bishops appointed by the CCPA without papal approval.<sup>165</sup> The Vatican’s first main obstacle in approving these bishops arises from the fact that—because they are self-ordained and self-nominated—these bishops are in breach of Article 1382 of the Code of Canon Law of the Vatican.<sup>166</sup> The second obstacle relates to purported issues of moral conduct, with some bishops accused of breaking their vows of chastity

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160. *Id.*

161. See Shirley Zhao, *Former Hong Kong Bishop Zen Welcomes Prospect of Beijing-Vatican Deal Falling Apart*, SOUTH CHINA MORNING POST (May 20, 2017), <http://www.scmp.com/news/hong-kong/politics/article/2095061/former-hong-kong-bishop-zen-welcomes-prospect-beijing> (noting that the Cardinal opposes negotiations which would subordinate the Vatican to a government).

162. *Id.*

163. *Id.*

164. Sala & Steger, *supra* note 23.

165. Tong, *supra* note 152.

166. *Id.*; see also *Usurpation of Ecclesiastical Functions and Delicts in Their Exercise* 3 CODE OF CANON L. § 3, Can. 1382 (Vatican City) (“A bishop who consecrates some one a bishop without a pontifical mandate and the person who receives the consecration from him incur a *latae sententiae* excommunication reserved to the Apostolic See.”).

and fathering children.<sup>167</sup> Cardinal Tong notes that the second obstacle proves more problematic, as the Vatican must collect concrete evidence regarding the moral transgressions, but the unstable relationship between the Vatican and the CPC leaves the former unable to send its officials to China to investigate.<sup>168</sup> Thus, the Vatican must rely on the CCPA's own investigation, which Cardinal Tong warns "will take time."<sup>169</sup>

All seven of the illegitimate bishops have sent letters to Pope Francis to ask for his pardon and express their "willingness to be in communion with the universal Church."<sup>170</sup> Although the Pope may agree to pardon each of the illegitimate nominations and consecrations, acknowledging each bishop's administrative right to govern a diocese remains a separate matter.<sup>171</sup> Cardinal Tong, therefore, posits that the Vatican requires more time to resolve the issues surrounding the seven illegitimate bishops.<sup>172</sup>

Should the Vatican accept these CCPA-appointed bishops, such a move may be widely protested by the underground Chinese Catholic community. In a *Wall Street Journal* article, Professor Richard Madsen explained that the community might interpret the Vatican's acceptance of these bishops as a "betrayal" of the community's steadfast loyalty to the Pope.<sup>173</sup> Professor Madsen added that the CPC would likely welcome this rift, as it would demonstrate the Church's weakening bonds with Chinese worshippers.<sup>174</sup>

### 3. *Bishops Unrecognized by the CPC*

Cardinal Tong considers the thirty plus Chinese Catholic bishops unrecognized by the CPC the biggest problem for Vatican-CPC negotiations.<sup>175</sup> If, however, the Vatican and the

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167. Tong, *supra* note 152; Buckley, *supra* note 153.

168. Tong, *supra* note 152.

169. *Id.*

170. *Id.*

171. *Id.*

172. *Id.*

173. Francis X. Rocca & Chun Han Wong, *Vatican, China Consider Deal on Selection of Bishops After Decades of Division*, WALL ST. J. (Oct. 30, 2016), <https://www.wsj.com/articles/vatican-china-mull-deal-on-selection-of-bishops-after-decades-of-division-1477844997>.

174. *Id.*

175. Tong, *supra* note 152.

CPC reach an agreement on the appointment of bishops, Cardinal Tong believes that an increased general trust between the two parties would likely lead to better government treatment of the unrecognized bishops.<sup>176</sup> Cardinal Tong also argues that the thirty plus unrecognized bishops are “examples of patriotic citizens” who will demonstrate loyalty, provided the government ceases to impose upon them the self-ordination and self-nomination processes and that the government accepts that the Church is not independent from the Vatican.<sup>177</sup>

At the 2012 episcopal ordination of Shanghai’s Auxiliary Bishop Thaddeus Ma Daqin, who received the approval of both the Vatican and the CCPA, Bishop Ma declared that he would no longer associate with the CCPA, as he wished to focus largely on pastoral work and evangelization.<sup>178</sup> The CCPA quickly revoked his appointment and placed him under house arrest.<sup>179</sup> Four years later, in June 2016, a blog post attributed to Bishop Ma surfaced wherein he praised the CCPA and denounced his decision to cut ties with the association.<sup>180</sup>

The Vatican confirmed Bishop Peter Shao Zhumin as the successor of the Wenzhou diocese in September 2016, and since then, authorities have detained or removed him from the diocese on “four different occasions.”<sup>181</sup> In May 2017, government authorities in Wenzhou “forcibly removed” Bishop Shao—recognized by the Vatican but not by the CCPA—from his diocese and detained him at an unknown location.<sup>182</sup> The

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176. *Id.*

177. *Id.*

178. Cindy Wooden, *Vatican Following Case of Chinese Bishop Ma*, *Spokesman Says*, CATHOLIC NEWS SERV. (June 23, 2016), <http://www.catholicnews.com/services/englishnews/2016/vatican-following-case-of-chinese-bishop-ma-spokesman-says.cfm>.

179. *Id.*

180. *Id.*

181. CHINA – *Bishop Forcibly Removed from Diocese Still Missing*, AID TO CHURCH NEED MALTA (July 4, 2017), <http://www.acnmalta.org/2017/07/04/china-bishop-forcibly-removed-diocese-still-missing-acn-malta/>.

182. *See China: Vatican Gravely Concerned for Bishop ‘Forcibly Removed’ from Diocese*, GUARDIAN (June 27, 2017), <https://www.theguardian.com/world/2017/jun/27/china-vatican-gravely-concerned-for-bishop-forcibly-removed-from-diocese> (explaining how his supporters believe his detention was done in an effort to force him to switch from the underground church recognized by the Vatican to the state-run CCPA).

Director of the Holy See Press Office, Greg Burke, issued a statement regarding the disappearance of Bishop Shao, noting that the Vatican is “profoundly saddened” and “is observing [the situation] with grave concern.”<sup>183</sup> The Vatican, however, recently reported that Bishop Shao has been freed after seven months of detention.<sup>184</sup>

As of March 2018, CPC-Vatican negotiations have taken a monumental turn: Pope Francis accepted the legitimacy of the seven Catholic bishops appointed by the Chinese government, though this decision has not yet been written into law.<sup>185</sup> In addition to accepting the existing CPC-appointed bishops, the rapprochement deal “would give the Vatican a formal role, and possibly even veto power, in how clergy are appointed in China,”<sup>186</sup> while the Vatican may compel Chinese Catholics to accept the CPC-appointed bishops and priests and to abandon underground leaders.<sup>187</sup>

In the wake of news of the potential deal, the chancellor of the Pontifical Academy of Social Sciences, Bishop Marcelo Sánchez Sorondo, lauded the Chinese government, stating that the CPC is “best implementing the social doctrine of the Church.”<sup>188</sup> Despite this praise of the CPC, the deal faces heavy opposition, with Cardinal Zen accusing the Vatican of “selling out” Chinese Catholics by locking them in a “cage” controlled by the CPC.<sup>189</sup> Another critic of the deal, Rev. Bernardo Cervellera, accused the CPC of attempting to eradicate

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183. *Id.*

184. *Peter Shao Zhumin: Detained Chinese Catholic Bishop Freed*, BBC NEWS (Jan. 12, 2018), <http://www.bbc.com/news/world-asia-42666663>.

185. Francis X. Rocca & Eva Dou, *Pope Francis to Bow to China With Concession on Bishops*, WALL ST. J. (Feb. 1, 2018), <https://www.wsj.com/articles/pope-francis-to-bow-to-china-with-concession-on-bishops-1517507751>.

186. Ian Johnson, *10 Million Catholics in China Face Storm They Can't Control*, N.Y. TIMES (Feb. 14, 2018), <https://www.nytimes.com/2018/02/14/world/asia/china-catholics-vatican.html>.

187. *Id.*

188. *'China is the Best Implementer of Catholic Social Doctrine,' Says Vatican Bishop*, THE CATHOLIC HERALD (Feb. 6, 2018), <http://catholicerald.co.uk/news/2018/02/06/china-is-the-best-implementer-of-catholic-social-doctrine-says-vatican-bishop/>.

189. Jason Horowitz & Elisabetta Povoledo, *Worries Rise as Pope and China Edge Closer to Deal on Bishops*, N.Y. TIMES (Feb. 9, 2018), <https://www.nytimes.com/2018/02/09/world/europe/francis-catholic-china-deal-bishops.html>.



the underground church<sup>190</sup> and criticized Bishop Marcelo Sánchez Sorondo's admiration of the CPC.<sup>191</sup> With the deal yet to be finalized, the fate of underground churches and, ultimately, the potential for Catholicism's growth or collapse in China, hang in the balance.

#### IV. ROLE OF INTERNATIONAL ORGANIZATIONS IN THE PURSUIT OF RELIGIOUS FREEDOM FOR CHINESE CHRISTIANS

The CPC's increasing crackdown on religion—including both underground and officially state-sanctioned churches—and on human rights lawyers defending those persecuted leaves Chinese Christians with little choice other than to devise more secretive ways to worship. The only means available to help Christians and other persecuted religious groups may be through increasing pressure on the CPC by the international community and its organizations, including news media.

Article 18 of the International Covenant on Civil and Political Rights covers the international right to religious freedom, guaranteeing not only the right to practice or worship “either individually or in community with others and in public or private,” but also ensuring that parents have the right to “ensure the religious and moral education of their children in conformity with their own convictions.”<sup>192</sup> Although China signed in 1998, it has yet to ratify the treaty.<sup>193</sup>

The United Nations' Special Rapporteur of the Commission on Human Rights visited China in 1994, and Annex I (with the description “Follow-Up Table Addressed to the Chinese Authorities”) to the corresponding 1994 report provides various recommendations to the Chinese government as to

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190. *Id.*

191. See Charles Collins, *China Expert: Vatican Official “Naive” for Saying China “Best Implementer” of Church’s Social Doctrine*, CRUX (Feb. 7, 2018), <https://cruxnow.com/vatican/2018/02/07/china-expert-vatican-official-naive-saying-china-best-implementer-churchs-social-doctrine/> (quoting Cervellera, who stated that “idolization of China is an ideological affirmation that makes a laughing stock of the Church and harms the world”).

192. International Covenant on Civil and Political Rights, *supra* note 7, art. 18.

193. Status of Ratification Interactive Dashboard, OFF. UNITED NATIONS HIGH COMMISSIONER HUM. RTS., <http://indicators.ohchr.org/> (last visited Feb. 18, 2018).

how best to improve religious freedom in the country.<sup>194</sup> Specifically, Annex I recommends that China take steps to adopt a legislative provision that explicitly outlines the right of persons under the age of eighteen to freedom of belief, “so as to ensure the requisite compliance with the Convention on the Rights of the Child,”<sup>195</sup> a treaty China ratified in 1992.<sup>196</sup> Various local governments across China continue to prohibit children under the age of eighteen from participating in religious organizations and from attending religious services.<sup>197</sup> The United States Commission on International Religious Freedom (USCIRF), an independent and bipartisan federal government advisory body created in 1998 through the International Religious Freedom Act (IRFA), researches the status of freedom of religion or belief across the globe and makes recommendations to the U.S. government on how best to respond in order to protect this freedom in individual countries.<sup>198</sup> In 2016, the USCIRF designated China as a “Tier 1” country of particular concern,<sup>199</sup> defined as a country with a government that “either engage[s] in or tolerate[s] ‘particularly severe’ violations of religious freedom.”<sup>200</sup> China has held

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194. Abdelfattah Amor (Special Rapporteur of the Commission on Human Rights), *Implementation of the Declaration on the Elimination of All Forms of Religious Intolerance and of Discrimination Based on Religion or Belief*, U.N. Doc. A/51/542, ¶ 9, annex I(A): Follow-Up Table Addressed to the Chinese Authorities (Oct. 23, 1996).

195. *Id.* annex I(A).

196. Status of Ratification Interactive Dashboard, *supra* note 193.

197. See Christian Shepherd & Stella Qiu, *In ‘China’s Jerusalem,’ Christians Say Faith Trumps Official Sunday School Ban*, REUTERS (Dec. 23, 2017), <https://www.reuters.com/article/us-china-religion-education/in-chinas-jerusalem-christians-say-faith-trumps-official-sunday-school-ban-idUSKBN1EI025> (noting that in some districts of Zhejiang province’s Wenzhou, “an official edict has prohibited Sunday schools since August,” and that governments of Zhejiang, Fujian, Jiangsu, Henan, and Inner Mongolia have banned “children from faith activities including summer camp”).

198. Welcome to USCIRF, U.S. COMMISSION ON INT’L RELIGIOUS FREEDOM, <http://www.uscifr.gov/about-uscifr/message-from-the-chair> (last visited Feb. 18, 2018).

199. U.S. COMM’N ON INT’L ON INTERNATIONAL RELIGIOUS FREEDOM, 2016 ANNUAL REPORT 8 (2016), <http://www.uscifr.gov/sites/default/files/USCIRF%202016%20Annual%20Report.pdf>.

200. *Id.* at 7.

this status as a country of particular concern for sixteen years, along with Burma, Iran, and Sudan.<sup>201</sup>

In its 2016 Annual Report, the USCIRF highlighted some of the most flagrant human rights abuses of Chinese Christians, including the persecution of human rights lawyer Zhang Kai, detention of Christians in “black jails,” and the incarceration of Zhejiang Pastor Bao Guohua and his wife, Xing Wenxiang.<sup>202</sup> Although the majority of the recommendations the USCIRF presents in this Annual Report involve increased dialogue between the U.S. and Chinese governments regarding the importance of religious freedom, one more concrete recommendation advocates imposing targeted travel bans, freezing assets, and other penalties on individual officials “who perpetrate religious freedom abuses.”<sup>203</sup> Additionally in 2014, pursuant to section 408(a) of the IRFA and in conjunction with the Secretary of State’s designation of China as a country of particular concern, the Secretary simultaneously restricted exports to China of crime control and detection instruments and equipment.<sup>204</sup>

Despite these efforts on the part of the United Nations and the USCIRF, perhaps the investigative activities of the international news media and its reporting of the persecution of religious practitioners might constitute the most effective current method of advocating for freedom to worship for Chinese Christians. Organizations like China Aid, through developing grass-roots connections with Chinese Christians, receive detailed first-hand reports of persecution, and thus can more easily circumvent Chinese government authorities and publicize the abuse in an international forum.

## V. CONCLUSION

Ian Johnson, in an article adapted from his recent book, *The Souls of China: The Return of Religion After Mao*, argues that

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201. *Id.* at 13, 14.

202. *See id.* at 35 (describing how the number of individuals held by the Chinese government for reasons related to their religion is extremely high and widespread).

203. *Id.* at 37.

204. *Id.* at 14 (citing Public Notice 8875: Secretary of State’s Determination Under the International Religious Freedom Act of 1988, 79 Fed. Reg. 57171 (Sept. 16, 2014)).

media reports on human rights in China give readers a one-sided understanding of the religious situation in China, and that, in reality, religious expression in the country continues to grow.<sup>205</sup> Religious growth in China is undoubtedly on the rise—with the number of Protestants in China estimated to exceed 100 million by 2030<sup>206</sup>—but so, too, is religious oppression, and reports on this persecution remain vital in order to maintain international pressure on China. Although not in and of itself a solution to the government’s crackdown on religion, international media attention provides persecuted groups with the rare opportunity to find their voice—something prohibited and virtually non-existent in their own country. The more the world knows about these injustices, the smaller the chance these groups will continue to suffer silently.

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205. See Johnson, *supra* note 2 (noting that “[w]hile problems abound, the space for religious expression has grown rapidly, and Chinese believers eagerly grab it as they search for new ideas and values to underpin a society that long ago discarded traditional morality”).

206. IAN JOHNSON, *THE SOULS OF CHINA: THE RETURN OF RELIGION AFTER MAO* 31 (2017).