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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by European Centre for Law and Justice, The / Centre Européen pour le droit, les Justice et les droits de l'homme, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 August 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.

REQUESTING THAT THE U.N. DEMAND THE RELEASE OF WRONGFULLY IMPRISONED PASTOR JOHN CAO AS REQUESTED IN THE WORKING GROUP ON ARBITRARY DETENTION OPINION 35/2019 (CHINA)

1. INTRODUCTION

Over five years ago, on March 5, 2017, Cao Sanqiang (John), a Chinese citizen, Protestant Pastor, humanitarian worker, and legal permanent resident of the United States of America, was wrongfully detained, arrested, and convicted on false charges. On August 12, 2019, the U.N. Working Group on Arbitrary Detention (WGAD) adopted Opinion 35/2019 (China) regarding Pastor Cao's unlawful detention. It found in favor of Pastor Cao, stating that "[t]he deprivation of liberty of Cao Sanqiang (John Cao), being in contravention of articles 7, 8, 10 and 18 of the Universal Declaration of Human Rights, is arbitrary and falls within categories II, III and V." The WGAD further requested that the Government of China "remedy the situation of Mr. Cao without delay," stating that "the appropriate remedy would be to release Mr. Cao immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law."

Despite the WGAD opinion and request, Pastor Cao continues to be wrongfully imprisoned, as he is facing deteriorating health issues, as well as the strain of being imprisoned and separated from his family.

As a charter member of the United Nations, China is obligated to adhere to the principles set forth in the U.N. Charter, which require members to "promot[e] and encourag[e] respect for human rights and for fundamental freedoms for all without distinction as to [inter alia] religion." Moreover, as a signatory of the Universal Declaration of Human Rights (UDHR), and the International Covenant on Civil and Political Rights (ICCPR), China is obligated to act in good faith to protect the rights of its citizens guaranteed and protected by those documents. Those rights include—among other things—the right to freedom of religion, equal protection under the law, freedom of movement, full equality to fair and public hearings, and freedom from arbitrary arrest and detention.

2. BACKGROUND

For decades, Pastor Cao worked as a pastor and a humanitarian worker in the United States, in China, and in Myanmar. In addition to pastoring churches in the United States, Pastor Cao has established Bible schools in central and southern China and focused on education and mission work. In 2013, Pastor Cao focused his humanitarian efforts on the impoverished Wa State in Myanmar (Burma). His work there included building schools, providing basic necessities and medical aid, and promoting drug control. At the time of his arrest, Pastor Cao's work in Myanmar included building 16 schools which were serving over 2000 students.

During all of his years traveling between Myanmar and China, Pastor Cao never experienced any problems with either government. In fact, Pastor Cao frequently had meetings with the Chinese local National Security Police to talk about his charity work and travel to Myanmar. Despite these facts, on March 5, 2017, Pastor Cao was wrongfully targeted, arrested, and detained. Over a year later, on March 22, 2018, Pastor Cao was wrongfully convicted and sentenced to seven years in prison, despite a lack of evidence to support the charges against him.

In recent years, China has seen a marked decrease in the overall protection of freedom of religion and belief. In fact, the Chinese government has adopted a number of policies in order to ensure that the Communist Party of China (CPC) maintains control over religious organizations and activities. In addition to the crackdown on house churches, Chinese

officials in Yunnan Province have been working with authorities in Wa, Myanmar, to crackdown on Christian activities, including stopping humanitarian efforts, such as those in which Pastor Cao was engaged.

Pastor Cao's arrest was selective enforcement of the law, and the current trend of Chinese officials targeting Christians is a violation of the freedom of religion, as well as numerous other provisions in the UDHR and ICCPR. Because of these facts, the WGAD determined that Pastor Cao has not only been wrongfully detained, but "[i]t [was] clear to the Working Group that Mr. Cao was singled out due to his Christian faith and that the Measures were implemented against him in a manner that constituted profiling and discrimination on the basis of Mr. Cao's religious identity."

Again, despite the 2019 WGAD's opinion and request that Pastor Cao be released immediately, Pastor Cao remains imprisoned to date.

3. REQUEST

The ECLJ and more than 312,000 individuals who have signed our petition to release Pastor Cao, respectfully request that this Council remind China of its continuing obligations as a Charter member of the United Nations and a signatory to the UDHR and ICCPR. The purpose of this Council and those bodies of law is to protect the human rights of individuals around the world. Additionally, this Council should respectfully request compliance with the WGAD Opinion 35/2019 (China) regarding Pastor Cao's unlawful detention, directing China to "release Mr. Cao immediately...." China has an obligation to ensure that the rights of all of its citizens are protected, including the rights to freedom of religion and belief, and the right to receive equal treatment under the law. Pastor Cao has already served over five years of a wrongful seven-year sentence. It is past time for him to be released and safely returned to his family in the United States.
