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## Human Rights Council

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### Human rights situations that require the Council's attention

## **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.

[04 June 2020]

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\* Issued as received, in the language(s) of submission only.

# **REQUESTING THAT THE U.N. RECOGNISE THE GROWING PERSECUTION OF CHRISTIANS AND OTHER RELIGIOUS AND ETHNIC MINORITIES IN CHINA AND TAKE IMMEDIATE AND APPROPRIATE ACTION TO CONDEMN THAT PERSECUTION**

## **1. INTRODUCTION**

According to estimates, China is home to over 1.4 billion people. In its 2018 UPR Country reports, China stated that the “principal religions of China are Buddhism, Taoism, Islam, Catholicism and Protestantism.”<sup>1</sup> Experts estimate that Christians represent anywhere from 5.1 to 6.8% of the total population. In January 2020, human rights group, Open Doors, released its newest report on persecution of Christians around the world. In this new list, China is ranked as the 23rd worst place in the world for Christians to live, up from its 2019 ranking of 27. This new ranking is one indicator of the increasingly harsh treatment of Christians and other religious minority groups. Furthermore, the government of the United States stated in a press release dated December 20, 2019, that it has re-designated China as a country that has “engaged in or tolerated ‘systematic, ongoing, [and] egregious violations of religious freedom.’”<sup>2</sup>

This increasing crackdown on the religious activities of Christians and other religious minority groups stands in stark contrast to China’s claims in its 2018 UPR Country report that “[t]he Regulations on Religious Affairs . . . strengthened the protection of citizens’ freedom of religious belief and the lawful rights and interests of the religious community.”<sup>3</sup>

Rather, despite China’s Constitution offering conditional protection for religious liberty, and China being a Charter Member of the United Nations and a signatory to both the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), it is all too common in China for individuals to be specifically targeted because of their religious faith. Many of the charges against Christians who are targeted for their faith are not religious in nature, which allows the government to target religious individuals for seemingly unreligious reasons.

It is increasingly apparent that China, under the guise of “National Security Interests” is targeting religious minorities for persecution, using surveillance technologies to control and intimidate them.

## **2. BACKGROUND**

In February 2018, the revised Regulations on Religious Affairs, which China referenced in its UPR report, came into effect, and have since been used by Chinese officials to restrict religious practice and to ensure that the Chinese government maintains control over religious organisations and activities.

In fact, on February 4, 2018, the Chinese government issued No. 1 Central Document of 2018, which specifically stated that the government should increase the force to crack down illegal religious activities, to prevent foreign infiltration, and to forbid anyone from using religion to intervene in public affairs.<sup>4</sup> This document is a general policy guidance for

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1 *National Report Submitted in Accordance with Paragraph 5 of Annex to Human Rights Council Resolution 16/21: China*, para. 53, A/HRC/WG.6/31/CHN/1 (5-16 Nov. 2018), available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/254/62/PDF/G1825462.pdf?OpenElement>.

2 Press Release, UNITED STATES TAKES ACTION AGAINST VIOLATORS OF RELIGIOUS FREEDOM, MICHAEL R. POMPEO, SECRETARY OF STATE, U.S. DEP’T OF STATE <https://www.state.gov/united-states-takes-action-against-violators-of-religious-freedom/>.

3 *Id.* at para. 52.

4 Document summary available in English at *SCIO Briefing on the ‘No. 1 Central Document’ in 2017*, SCIO.GOV (6 Feb. 2017), <http://www.scio.gov.cn/32618/Document/1541574/1541574.htm>

the Chinese government, which generally focuses on the economic development of agriculture and rural areas. According to the newly revised Regulations on Religious Affairs, all house churches and unregistered religious activities are considered illegal and the government is enforcing the No. 1 Central Document against Christians.

In addition, the Chinese government regularly cites Article 300 of the Criminal Law to persecute religious people and to stop their activities. Article 300 of the Criminal Law outlaws organizing evil cults and sects and using superstition to undermine law enforcement.

### 3. CONTROL OVER RELIGIOUS GROUPS AND ACTIVITIES

One method through which the Chinese government seeks to control religious organisations and activities is through surveillance and monitoring. Chinese officials collect data on Christian church members by incentivizing neighbors to spy on one another and installing cameras within church buildings. Furthermore, Chinese officials insist on requiring churches to place pictures of Xi Jinping in prominent places within the church, to hang the Chinese flag within the building, and even requiring members to sing or recite national pledges before hymns or prayers. If churches refuse to comply with government officials by having cameras in the church or putting up pictures or flag, or in reciting national pledges which place country above God, the government shuts down the churches and refuses to allow them to legally exist.

These efforts are part of a processes called “Sinicization,” which literally means to “make Chinese in character or form,” and is a method for indoctrinating citizens in Chinese government ideology. Rather than protecting the religious freedom of its citizens, China is working to insert itself as a “god-country” in the hearts and minds of the Chinese people.

In December of 2019 Xinhua, the Chinese state-run news agency, published the Administrative Measures for Religious groups.<sup>5</sup> These new government regulations for religious groups went into effect on 1 February 2020.<sup>6</sup> Under these new regulations religious groups are prohibited from engaging in religious activities without prior approval from the government as well as are required to “support the leadership of the Communist Party of China” and “adhere to the direction of Sinicization of religions in China, embody the core values of socialism and maintain national unity, ethnic unity, religious harmony, and social stability.”<sup>7</sup>

These regulations greatly interfere with the ability of Chinese citizens to freely and peacefully practice their religion and even mandate that religious groups serve as a mouthpiece for the government. They also serve to increase government crackdown on religion and have resulted in more government surveillance and arrests.

One example of government targeted persecution is the case of Pastor Cao, a Chinese citizen, Protestant Pastor, humanitarian worker, and legal permanent resident of the United State of America, who was assisting the impoverished of the Wa State in Myanmar. As a missionary, Pastor Cao has faithfully served the people of China for over two decades. Pastor Cao conducted his commendable humanitarian work openly and without incident until March of 2017 when Pastor Cao was unexpectedly targeted, arrested, convicted and sentenced to seven years in prison. Although Pastor Cao appealed, he was denied an appeal hearing on 25 July 2019 (in violation of China’s own law) and transferred to Kunming Prison.

On 12 August 2019, the U.N. Working Group on Arbitrary Detention adopted Opinion 35/2019 (China) regarding Pastor Cao’s unlawful detention. They found in favor of Pastor Cao, noting among other things, that “his arrest was carried out in a manner that singled out Mr. Cao on the basis of his religion,” and was a clear violation of articles 7 and 19 of the UDHR. The Working Group requested that the Government of China “remedy the situation of Mr. Cao without delay.” Further 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 Working

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(Chinese version with quotation *available at*  
[http://www.moa.gov.cn/ztl/yhwj2018/zyhwj/201802/t20180205\\_6136439.htm](http://www.moa.gov.cn/ztl/yhwj2018/zyhwj/201802/t20180205_6136439.htm)).

<sup>5</sup> *The 2019 Regulations for Religious Groups in China*, USCIRF (February 2020),  
[https://www.uscifr.gov/sites/default/files/2020%20Factsheet%20-%20China\\_0.pdf](https://www.uscifr.gov/sites/default/files/2020%20Factsheet%20-%20China_0.pdf).

<sup>6</sup> *Id.* at art. 3 (unofficial translation).

<sup>7</sup> *Id.* at art. 5 (unofficial translation).

Group's opinion and request, Pastor Cao remains in Kunming prison, and has now been unlawfully detained for over three years.

#### **4. REQUEST**

This Council should address China's continuous violations of the freedom of religion by respectfully and firmly reminding China of its obligations as a Charter member of the United Nations and a signatory to the UDHR and ICCPR. This Council should also urge China to not only reform its laws and policies regarding religious freedom but also to refrain from enforcing the current laws, as they are severely restricting fundamental human rights. Furthermore, this Council should firmly encourage China to follow the recommendations of the Working Group on Arbitrary Detention with regard to Pastor Cao and release him immediately. The purpose of this Council is to protect the human rights of individuals living around the world. 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.

#### **5. CONCLUSION**

Action must be taken to stop the targeted persecution of Christians and other religious minorities in China. On behalf of itself and more than 260,000 individuals worldwide who have signed our petition, the ECLJ respectfully requests that this Council address China's continued violations of human rights by demanding the release of innocent religious individuals, including Pastor Cao.

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