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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.

[20 August 2020]

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

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Requesting that the United Nations 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 more than 1.4 billion people. In its 2018 Universal Periodic Review (UPR) Country report, China stated that the “principal religions of China are Buddhism, Taoism, Islam, Catholicism and Protestantism”¹. Experts estimate that Christians represent anywhere from 5.1 to 6.8% of the total population. In January 2020, a human rights group 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 of America (United States) stated in a press release dated 20 December 2019, that it has re-designated China as a country that has “engaged in or tolerated ‘systematic, ongoing, [and] egregious violations of religious freedom’”².

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”³.

Rather, despite the fact that China’s Constitution offers conditional protection for religious liberty, and that China is 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 much 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 December of 2019, a Chinese state-run news agency published the Administrative Measures for Religious Groups⁴. These new government regulations went into effect on 1 February 2020⁵. Under these regulations, religious groups are prohibited from engaging in religious activities without prior approval from the government, and are also required to accept and “support the leadership of the Communist party of China”⁶. Moreover, they must also “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”⁷. Furthermore, under article 17:

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 November 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, United States Department of State <https://www.state.gov/united-states-takes-action-against-violators-of-religious-freedom/>.

³ Id. at para. 52.

⁴ The 2019 Regulations for Religious Groups in China, USCIRF (February 2020), https://www.uscifr.gov/sites/default/files/2020%20Factsheet%20-%20China_0.pdf.

⁵ Id. at art. 3 (unofficial translation).

⁶ Id. at art. 5 (unofficial translation).

⁷ Id.

Religious organizations should publicize the guidelines and policies of the Communist Party of China, national laws, regulations, and rules to the clergy and religious citizens, in order to instruct and direct the clergy and religious citizens to support the rule of the Communist Party of China, support the socialist system, follow the path of socialism with Chinese characteristics⁸.

These regulations greatly interfere with ability of Chinese citizens to freely and peacefully practice their religion, and even mandate that religious groups serve as a mouthpiece for the government. In addition, these regulations will only serve to increase the Chinese government's crackdown on religion, and will result in more arrests of Chinese Christians.

3. Targeting Christians and religious organisations

Another 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.

There are also reports of the Chinese government utilizing hackers to spy on Christian Churches⁹. The United States Department of Justice (DOJ) accused two Chinese state-sponsored cyber spies of hacking into the personal data of clergy, dissidents, and human rights activists. According to a DOJ spokesperson, "the Chinese government shut down a Christian house church, and within a week, these two individuals were hacking into this Chinese Christian pastor's email account, gathered those emails, submitted [them] to the Chinese government, and the Chinese government then arrested their pastor"¹⁰.

Yet another form of targeting Christians is a required arrest quota. According to reports, police stations located in Dalian, the second-largest city in Liaoning Province, are being graded based on the number of Christians they arrest¹¹. One police officer from Dalian stated that they received notice from the National Security Bureau that set out how many Christians they needed to arrest as part of the performance-assessment plan¹². He also stated that other police stations in Dalian had received similar notices¹³.

4. Unlawful imprisonment

Pastor Cao, a Chinese citizen, Protestant Pastor, humanitarian worker, and legal permanent resident of the United States of America, who was assisting the impoverished of the Wa State in Myanmar, is one example of the targeted persecution that is occurring in Yunnan Province. 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

⁸ Id. at art. 17 (unofficial translation).

⁹ Chinese Hackers Spy on Christians, International Christian Concern (23 July 2020), <https://www.persecution.org/2020/07/23/chinese-hackers-spy-christians/>.

¹⁰ Id.

¹¹ China: Police Given 'Quotas' for Arrest of Christians, Claims Persecution Watchdog, The Gospel Herald World (3 January 2019), https://www.gospelherald.com/articles/71913/20190103/china-police-given-quotas-arrest-christians-claims-persecution-watchdog.htm?gclid=EAIaIQobChMIInrDu5sul6wIVhIXCh1d7Q3CEAMYASAAEgI-wfD_BwE.

¹² Id.

¹³ Id.

sentenced to seven years in prison. Although Pastor Cao appealed hearing on 25 July 2019 (in violation of China's own law) and transferred to Kunming Prison.

On 12 August 2019, the United Nations 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 Group's opinion and request, Pastor Cao remains in Kunming prison, and has now been unlawfully detained for over three years.

5. Request

This Council should address China's continuous violations of the freedom of religion by firmly reminding China of its obligations as a Charter member of the United Nations and a signatory to the UDHR and the 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 severely restricting fundamental human rights. 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.

Action must be taken to stop the spread of persecution of Christians and other religious minorities in China. On behalf of itself and more than 287,000 individuals worldwide who have signed our petition, the ECLJ respectfully requests that this Council address China's continued violations of human rights and demand the release of innocent religious individuals including Pastor Cao.
