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The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the High Commissioner for Human Rights and with reference to the latter's communication 【AL CHN 11/2015】 dated 26 November 2015, has the honour to transmit herewith the attached reply by the Chinese Government.

The Permanent Mission of the People's Republic of China to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 22 January 2016



Office of the High Commissioner for Human Rights
GENEVA

(Translated from Chinese)

Receipt is hereby acknowledged of joint communication No. AL CHN 11/2015 from the Chairperson-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on minority issues and the Special Rapporteur on torture of the United Nations Human Rights Council. The Government of China has looked carefully into the matter referred to in the communication and wishes to make the following reply:

Firstly, in March 2016, the provincial Party committee and provincial government of Zhejiang decided that, from 2013 to 2015, an intensive action plan would be carried out throughout the province to redevelop and demolish illegal structures in old housing developments, factory areas and shantytowns that violated laws and regulations such as the land management and town planning regulations (known as the “three rectifications and one demolition” project). On 26 July 2013, the standing committee of the Zhejiang People’s Congress adopted the Zhejiang Regulations on Dealing with Illegal Structures. The “three rectifications and one demolition” project extends to all areas. It does not specifically target religious structures, much less Christian ones. As at the end of 2014, throughout the province a total of 512 million square metres of illegal structures of all types had been redeveloped or demolished. Of those, 1.34 million square metres pertained to illegal structures used in the practice of religion or folk beliefs, thus representing only 0.26 per cent of all the structures redeveloped or demolished throughout the province. Of the redeveloped or demolished illegal structures used in the practice of the five major religions or folk beliefs, only 2.3 per cent were Christian structures. When implementing the “three rectifications and one demolition” project, the relevant departments of the provincial government have continuously stressed the need to strictly comply with the policy on freedom of religion or belief and to act in strict accordance with the laws and regulations.

There are two main types of situations in which Christian structures might be affected by the “three rectifications and one demolition” project. First, if a church building is in serious violation of land management and town planning laws and regulations, then it must be demolished in accordance with the law. Construction of the Sanjiang Church in Yongjia county was begun without authorization and without completing the procedures necessary to divert agricultural land for another use, to receive the reassignment certificate and obtain approval of the construction plans. The relevant authorities had authorized the construction of a building measuring 1,800 square metres, but in reality the building had more than 11,000 square metres of space. The authorized height of the building was 30 metres, but in reality the building stood at 57 metres, in serious violation of the laws and regulations. Second, crosses that are too tall or too large pose a serious safety hazard. In the process of tearing down illegal structures in Zhejiang, it became apparent that the crosses on some churches were exceedingly tall or large. Some crosses violated planning regulations, while others posed a serious safety hazard, and that situation had to be rectified. Zhejiang is prone to typhoons, and, as the crosses on some churches are made of cement, they can weigh between 10 and 20 tons, constituting a serious safety hazard.

Secondly, Huang Yizi is a male from Pingyang, Zhejiang Province, who was born in October 1974. On 24 March 2015, the Pingyang County People’s Court sentenced him to 1 year of imprisonment for gathering a crowd to disrupt the social order (his prison term ran from 1 August 2014 to 1 August 2015). Mr. Huang appealed the conviction. The Wenzhou

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Intermediate People's Court heard the case in accordance with the law, and on 19 May 2015 it issued a ruling in which it rejected the appeal and upheld the original ruling. The People's Court dealt with the case in strict accordance with the Criminal Law and the Criminal Procedure Law of the People's Republic of China. Mr. Huang hired two lawyers to defend him. During the trial, not only did Mr. Huang himself exercise his right to present a defence, but his two lawyers also made a full submission on his behalf. His procedural rights were fully respected.

On 13 September 2015, the Wenzhou public security authorities, acting in accordance with the law, placed Mr. Huang in criminal detention on suspicion of jeopardizing State security. The case is currently still under consideration. Acting in accordance with the law, the public security authorities have guaranteed Mr. Huang's rights as an accused person; the claim that he has been subjected to "torture" is inconsistent with the facts.

联合国人权理事会强迫失踪问题工作组主席、言论自由问题特别报告员、和平集会自由问题特别报告员、宗教信仰自由问题特别报告员、少数群体问题特别报告员、酷刑问题特别报告员联合来函[AL CHN 11/2015]收悉。中国政府对来函所涉情况作了认真调查，现答复如下：

一、2013年3月，中国浙江省委、省政府决定，自2013年至2015年在全省范围内深入开展在旧住宅区、旧厂区和城中村改造和拆除违反土地管理和城乡规划等法律法规的违法建筑行动（简称“三改一拆”）。2013年7月26日，浙江省人大常委会通过《浙江省违法建筑处置规定》。“三改一拆”涉及各个领域，不是针对宗教方面的专项工作，更不是针对基督教的专项工作。截至2014年底，浙江全省已拆改各类违法建筑5.12亿平方米，其中涉及宗教和民间信仰点违法建筑134万平方米，仅占全省拆改总量的0.26%。在五大宗教和民间信仰点违法建筑拆改面积中，涉及基督教的仅占2.3%。浙江省有关部门在“三改一拆”工作中，始终强调严格执行宗教信仰自由政策，严格依法依规进行。

“三改一拆”涉及到基督教的问题主要有两类情况：

（一）教堂建筑系严重违反土地管理和城乡规划等法律法规的违法建筑，应当依法拆除。如永嘉县三江堂，是在未办理土地农转用手续、土地征收手续和规划建设审批手续的情况下擅自开工建设的，相关部门核准建筑面积为1800平方米，而实际建筑面积达11000多平方米；核准建筑高度30米，实际建筑高度为57米，严重违法违规。（二）存在严重安全

隐患的超高、超大的十字架。浙江在拆除违建的过程中发现，一些地方的教堂十字架过分追求超高、超大，有的超出规划要求，有的存在严重安全隐患，对此进行整改是必要的。浙江台风经常来袭，有的教堂十字架用水泥修建，重达十几吨，安全隐患严重。

二、黄益梓，男，1974年10月生，浙江平阳人。2015年3月24日，浙江省平阳县人民法院以聚众扰乱社会秩序罪判处黄益梓有期徒刑一年(刑期自2014年8月1日至2015年8月1日止)。黄益梓提出上诉，浙江省温州市中级人民法院经依法审理，于2015年5月19日裁定驳回上诉，维持原判。人民法院严格依照刑法、刑事诉讼法规定审理此案。黄益梓委托了两名律师担任其辩护人。庭审中，除其自己行使辩护权，两名律师也充分发表辩护意见。黄益梓的诉讼权利得到充分保障。

2015年9月13日，黄益梓因涉嫌危害国家安全犯罪被浙江温州公安机关依法采取刑事强制措施。现案件正在进一步办理中。公安机关依法保障黄益梓作为犯罪嫌疑人所享有的各项权利，不存在其遭受所谓“酷刑”等情况。