

**Mandates 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 and other cruel, inhuman or degrading treatment or punishment**

REFERENCE: AL  
CHN 11/2015:

25 November 2015

Excellency,

We have the honour to address you in our capacities as Chairperson-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on freedom of religion or belief; Special Rapporteur on minority issues; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 27/1, 25/2, 24/5, 22/20, 25/5, and 25/13.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning **alleged violations of the human rights of members of Christian Catholic and Protestant churches by the Zhejiang provincial Government, including the destruction and desecration of religious sites.**

According to the information received:

Since October 2013, the Provincial Government has reportedly removed, demolished or covered more than 500 Christian crosses in Zhejiang Province. During the same time period, the Government also fully or partially demolished 37 Christian Catholic churches and Protestant temples. Prominent cases include the Sanjian Church, Yongjia County, Zhejiang Province, whose construction was completed in December 2013 and which was demolished on 28 April 2014, and the removal of 12 crosses from 12 churches in Wenxi Town, Lishui City, Zhejiang Province, on 30 April 2015.

While the Government has justified the demolitions and removals based on violations of zoning restrictions, reports indicate that the aim seems to be to reduce the "visibility" of the Christian faith in Zhejiang Province.

Religious leaders and human rights activists have opposed the removal of crosses and the demolition of churches by the Government, and several of them have been subjected to arbitrary arrests in retaliation for peaceful protests against the removals and demolitions. In this context, Pastor Huang Yizi was arrested on 3 August 2014 following a collective prayer in front of Salvation Church in Wenzhou against its demolition. On 24 March 2015, he was sentenced to one-year imprisonment for “disturbing the social order” and released on 1 August 2015. Reportedly, he was repeatedly tortured while in custody. He was arrested again on 12 September 2015 and has been held incommunicado by the authorities in an undisclosed location ever since.

We are concerned that the forced removal, demotion or covering of crosses and the demolition of churches and temples is a violation of the right of Christians in Zhejiang Province to freedom of religion, which includes the right to build and maintain place of worship and the right to display religious symbols. In addition, grave concern is expressed about the arbitrary arrest, torture and enforced disappearance of Pastor Huang Yizi for his peaceful protest against the demolition of Salvation Church, which appears to violate his rights to liberty, personal security, and physical integrity, as well as his rights to freedom of opinion, expression and peaceful assembly.

While we do not want to prejudge the accuracy of these allegations, should they be confirmed, they would contravene articles 18(1), 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), which China signed on 5 October 1998, and articles 18, 19 and 20 of the Universal Declaration of Human Rights, which guarantee the right to freedom of religion, including the right to adopt a religion of one’s choice, the right to freedom of opinion and expression, and the right to freedom of association, respectively. These norms provide that any restriction to the exercise of these rights must be provided by law and necessary and proportionate to the aim pursued.

In relation to the allegation that the fate and whereabouts of Pastor Huang Yizi is currently unknown, we would like to draw your Excellency’s Government attention to the United Nations Declaration on the Protection of All Persons from Enforced Disappearance. In particular, we would like to recall the prohibition to practice, permit or tolerate enforced disappearance (article 2); the obligation to take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance (article 3); that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances (article 7); the right to be held in an officially recognized place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention and the obligation to make available accurate information on the detention of persons and their place of detention to their family, counsel or other persons with a legitimate interest (article 10); and the obligation to maintain in every place of detention an official up-to-date register of detained persons (article 12).

With regard to the allegation that Pastor Huang Yizi may have been tortured or otherwise ill-treated while detained, Article 7 of the International Covenant on Civil and Political Rights, provides that “[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” In addition, articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which China ratified in 1988, establish the absolute and non-derogable prohibition of torture and other ill-treatment.

In connection with these allegations and concerns please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please indicate the reasons for the removal, destruction or covering of crosses and the demolition of Christian churches and temples in Zhejiang province, and how these measures are compatible with China’s international legal obligations under the treaties it has signed or ratified.
3. Please provide information as to whether alternative measures were considered to enforce zoning regulations, while respecting and protecting the peaceful exercise of their rights to freedom of religion and belief of the Christian communities in Zhejiang province.
4. Please indicate whether the religious communities affected by these demolitions were consulted in advance, in order to explore alternative solutions?

Please provide detailed information concerning the fate and whereabouts of Pastor Huang Yizi. In particular, we would welcome information, and where available, the results of any investigation, judicial or otherwise carried out in relation to the allegations of enforced disappearance of Pastor Huang Yizi. If no inquiries have taken place, or if they have been inconclusive, please explain why.

5. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to the reports of torture against Pastor Huang Yizi.
6. Please provide information about all the steps that have been taken to protect the freedom of religion or belief, and promote religious tolerance towards the Christian communities in Zhejiang province.

7. Please indicate what measures have been taken to ensure that human rights defenders can peacefully exercise their rights to freedom of opinion, expression and assembly effectively.

We would like to bring to the attention of your Excellency's Government that should the sources submit the allegations concerning Pastor Huang Yizi as a case to the Working Group on Enforced or Involuntary Disappearances, it will be considered by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by separate correspondence.

While awaiting a reply, we call for Your Excellency's Government to establish the fate and whereabouts of Pastor Huang Yizi, ensure he is authorized to communicate with and be visited by his family, counsel or any other person of his choice. We also call for Your Excellency's Government to suspend all forceful removals of Christian crosses and all demolitions of Christian churches in Zhejiang province.

We would appreciate receiving a response within 60 days. Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Houria Es-Slami  
Chairperson-Rapporteur of the Working Group on Enforced or Involuntary  
Disappearances

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

Maina Kiai  
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Rita Izsák  
Special Rapporteur on minority issues

Juan E. Méndez  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or  
punishment

## **Annex**

### **Reference to international human rights law**

In connection with the above alleged facts and concerns, we would like to refer to the articles 18(1), 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR) that China signed on 5 October 1998, and articles 18, 19 and 20 of the Universal Declaration of Human Rights, which guarantee the right to freedom of religion, including the right to adopt a religion of one's choice, the right to freedom of opinion and expression, and the right to freedom of association, respectively. In particular, we wish to remind your Excellency's Government that any restrictions to the exercise of these rights must be provided by law and necessary and proportionate to the aim pursued.

In relation to religious symbols and places of worship, the Human Rights Committee stated in its General Comment 22 (paragraph 4) that "the freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. The concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship, the use of ritual formulae, and objects, the display of symbols, and the observance of holidays and days of rest". In the 1981, the General Assembly passed the Declaration on the Elimination of All Form of Intolerance and of Discrimination Based on Religion, which also states that the right to freedom of thought, conscience, religion or belief includes the freedoms "to worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes". In its resolution 6/37, the Human Rights Council urged States, "To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction;".

We also would like to refer to the international standards in relation to the protection of the rights to persons belonging to religious minorities, in particular to the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Article 1 of the Declaration establishes the obligation of States to protect the existence and identity of religious minorities within their territories and to adopt the appropriate measures to achieve this end. Article 2 states that persons belonging to religious minorities have the right to profess and practice their own religion without discrimination. Furthermore, article 4.1 establishes that States are required to ensure that persons belonging to minorities, including religious minorities, may exercise their human rights without discrimination and in full equality before the law.

Regarding the right to physical integrity of individuals, we refer to Article 7 of the International Covenant on Civil and Political Rights, which provides that "[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Moreover, we would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in articles 2 and

16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which China ratified in 1988.

We also would like to draw your Excellency's Government attention to the recommendations of the sixth session of the Forum on Minority Issues on "Guaranteeing the rights of religious minorities" (2013), in particular to Recommendation 34, which calls upon States to put in place measures to protect and maintain the cultural heritage of religious minorities, including buildings, monuments, burial grounds and other sites of religious significance, as well as the documents, records and artefacts belonging to religious minorities.

In relation to the need to promote tolerance towards Christian churches, we would like to stress that ICCPR specifically recognizes the rights of members of religious minorities to "profess and practices his or her own religion" (article 27). In connection to the coexistence of different religious groups, the 1981 United Nations Declaration on Religious Tolerance and Non-Discrimination urges states "to take all appropriate measures to combat intolerance on the grounds of religion" (article 4.2).

We further refer to The Special Human Rights Council Resolution 12/16, which calls on States, to refrain from imposing restrictions which are not consistent with paragraph 3 of article 19 in ICCPR, including on (...) the expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups. Finally, we would like to refer to Human Rights Council resolution 24/5, and in particular operative paragraph 2 that "reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law."