

Geneva, 16 February 2017

To: Permanent Representatives of Member and Observer States of the UN Human Rights Council

RE: Sustaining attention to human rights violations in China

Excellency,

After another year marked by enforced disappearances, denial of due process, and continued efforts to suppress human rights, we call on your delegation to join with other States to take collective, coordinated action at the 34<sup>th</sup> session of the UN Human Rights Council to hold China accountable for its human rights record.

One year ago today, the High Commissioner released a statement<sup>1</sup> calling on China to address a wide range of human rights violations. The concerns he raised were echoed by many States at the March 2016 Human Rights Council, including through a strong cross-regional statement delivered on behalf of twelve States. These States reiterated the High Commissioner's call for China to uphold its own laws and international commitments, and urged China to release lawyers and other human rights defenders detained for their human rights work.

Human rights defenders, their families, and other activists were encouraged by the strong message of international solidarity sent by the joint statement. The Chinese Government, however, seems to have ignored it entirely. In March 2016, States at the Council raised concerns about the following trends; a year later, the reality on the ground remains unchanged, and in some cases has worsened.

- **Arbitrary arrests and ongoing detentions:** After more than 18 months, the lawyers and other human rights defenders detained in the '709 crackdown' remain the focus of significant pressure. According to recent counts, eight of them remain in jail awaiting trial. Twenty-six have been released on bail and most of them, despite their apparent release, are unable to continue working and are subject to surveillance, threats and 'soft detention'.
- **Enforced disappearance and refusal of access to counsel:** On 21 November, the Chinese authorities abducted human rights lawyer Jiang Tianyong who, though disbarred in 2009 for his work, had continued his work as an active figure within the legal community. His family was informed of his detention nearly one month later, and despite swift action by the Special Procedures, Jiang remains in 'residential surveillance in a designated location'. The UN Committee against Torture in its 2015 review of China called for the Government to repeal provisions of the Criminal Law allowing residential surveillance, calling it 'de facto incommunicado' detention.
- **Extraterritorial actions:** Gui Minhai, a Swedish national targeted in a roundup of Hong Kong booksellers, was kidnapped by state security authorities in Thailand in October 2015 and remains in prison in China. His family does not know his location, have little if any access to him, and have not received clarification on any legal proceedings. On 27 January 2017, businessman Xiao Jianhua, a Canadian national, was reported missing from Hong Kong; although media have said he is on the mainland, his precise whereabouts are unknown.

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<sup>1</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17050>

- **Hong Kong:** Hong Kong citizens advocating for democratic institutions and respect for human rights work in an increasingly challenging environment. Beijing continues to interfere in Hong Kong's various institutions, including the courts, and according to media reports delayed the submission of a follow-up report by the Hong Kong authorities to the Committee against Torture.
- **The right to a fair trial:** The family and legal representatives of detained human rights defenders remain, in the vast majority of cases, blocked from visits and information on national security grounds. Televised 'confessions' continued to be aired. This included a 'confession' by lawyer Wang Yu that sought to smear the work of Zhou Shifeng, head of the Beijing Fengrui Law Firm who was sentenced to seven years in prison in August 2016.
- **Freedom of expression:** Advocates for peaceful expression and association, online and off, as well as researchers, writers and journalists, have come under particular pressure. Non-governmental organizations estimate that in 2016, police arrested over 100 individuals for exercising their right to freedom of expression. This included figures well-known for documenting and disseminating information on human rights violations, such as veteran activists Huang Qi and Liu Feiyue. Their websites, and others including one aimed at facilitating peaceful dialogue within China's diverse Muslim community, have been effectively shut down. Uyghur scholar Ilham Tohti continues to serve a life sentence, and Tibetan activist Tashi Wangchuk has been detained for over a year for requesting Tibetan language classes in local schools.

These actions demonstrate that the Chinese Government has failed to make progress on almost every point raised at the Human Rights Council. The facts also stand in marked contrast to China's rhetoric, which has emphasized renewed commitment to the multilateral system, including through its re-election to the Human Rights Council.

We urge your delegation to join with others to take collective, coordinated action at the upcoming Council session, through a second joint statement and individual statements, to make clear that systemic human rights violations in China will not go unnoticed and unchecked.

**In addition to highlighting the inaction on key points from last year's statement, delegations should:**

- Insist that China uphold its obligations to prevent, punish and remedy torture and other cruel, inhumane or degrading treatment or punishment, including by ordering prompt, impartial, independent investigations into reports of torture of detained lawyers and human rights defenders, including Li Heping, Wang Quanzhang and Xie Yang.
- Urge China to amend or repeal the Overseas NGO Management Law; any efforts to implement the law in its current form will – by definition – run counter to international human rights standards and undermine the independence of civil society.
- Call for the repeal or revision of the Counter-Terrorism Law, and speak out against the increasing use of national security legislation and draft 'regulations on religious affairs' to criminalise and harass those exercising freedom of thought, conscience and religion and freedom of expression, recognizing the disproportionate impact this has on Uyghur and Tibetan communities, as well as religious minorities.

- Denounce the continuing forced evictions and other violations of human rights, including cultural rights, of monks and laypersons at Larung Gar, a major site of Tibetan Buddhist teaching and worship.
- Call for China to respect the right of everyone to freedom of movement and residence, and the right of everyone to leave any country, including his or her own, and to return to his or her own country; and in this regard to remove all travel bans and other restrictive measures that have been imposed on individuals for their activities to promote and protect human rights, and to cease the arbitrary confiscation of passports, in particular of Tibetans and Uyghurs.

In the past, the Chinese Government has openly expressed its displeasure with critical scrutiny of its human rights record. Such reactions demonstrate that China is sensitive to international attention. Public recognition at the Human Rights Council that China should be bound by its international human rights obligations will again give hope to thousands of defenders, lawyers, petitioners and others who seek to promote human rights in the country.

At a time when human rights are increasingly under threat, the Human Rights Council should ensure that all its members, including China, ‘uphold the highest standards’ of human rights and ‘fully cooperate’ with the Council and its mechanisms, as required by UN General Assembly Resolution 60/251. In so doing, the Council will continue to act in accordance with its founding principles, and in defence of universal human rights everywhere.

Please be assured, Excellency, of our highest consideration.

Amnesty International

Cairo Institute for Human Rights Studies

CIVICUS World Alliance for Citizen Participation

FIDH, in the framework of the Observatory for the Protection of Human Rights Defenders

Freedom House

Frontline Defenders

Human Rights in China

Human Rights Watch

Independent Chinese PEN Center

International Campaign for Tibet

International Commission of Jurists

International Service for Human Rights

International Tibet Network

Lawyers Rights Watch Canada

PEN America Center

Students for a Free Tibet

Tibet Justice Center

World Organisation Against Torture, in the framework of the Observatory for the Protection of Human Rights Defenders

World Uyghur Congress