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June 29, 2016

His Excellency Mr. Ban Ki-moon
United Nations Secretary-General
United Nations Headquarters
New York, NY 10117



HRW.org

Re: Your Upcoming Trip to China

Dear Secretary-General Ban,

I am writing on the occasion of your forthcoming trip to China, where the human rights environment has deteriorated significantly since President Xi Jinping assumed power in March 2013. We believe it is important that you privately and publicly express concerns about this eroding situation, and that doing so may help mitigate some of the worst abuses.

Many of the modest human rights gains made in China since the 1989 Tiananmen Massacre – including key legal protections, the growth of independent civil society, and slightly greater tolerance of free expression – have been reversed in the past three years under President Xi. The government has drafted or adopted laws on national security, counterterrorism, cybersecurity, and nongovernmental organizations that treat peaceful dissent as a threat to the state. The government has advanced pernicious restrictions on peaceful expression, tolerated the deaths of activists in detention, and failed to hold members of the security forces accountable for serious abuses, including torture. For nearly seven decades, people in China have been denied the right to participate in the conduct of public affairs, and it is the only country in the world with a Nobel Peace Prize laureate in prison.

The credibility of the United Nations depends in part on its willingness to robustly challenge human rights violations committed by its most powerful members. Your reticence to express concerns about human rights abuses on past visits to China contributes to the view that some members of the UN are beyond reproach. Most recently, we were disappointed by your May 30 video message to a UN 2030 agenda

Kenneth Roth, Executive Director

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symposium held in Nyingchi.¹ That message failed to acknowledge serious human rights violations in that location, including ones stemming from mass rehousing and relocation programs documented by Human Rights Watch, and other chronic abuses across the Tibetan plateau, rendering hollow the closing call for a stronger UN-China “partnership to advance... shared goals... of human rights for all.”² UN officials regularly participate in Chinese government-led discussions about human rights, but we have observed minimal interaction with or support for independent Chinese activists. And while we appreciated your concern regarding the 2014 death of Cao Shunli,³ an activist who had tried to participate in UN human rights reviews of China, overall discussion about the UN’s Human Rights up Front agenda appears to be missing from the UN’s engagement on China.

We urge that on this trip you demonstrate a strong commitment to promoting human rights in China by:

- Privately and publicly calling on President Xi to immediately cease the crackdown on those peacefully expressing their criticisms of the government, for their work as human rights lawyers, and for peacefully advocating the protection of minority rights. Given that your visit coincides with the first anniversary of Beijing’s July 2015 mass sweep of human rights lawyers, we especially urge that you publicly call on the government to release the 24 lawyers and activists who remain detained in violation of due process protections under international human rights law.
- Urging China’s government to accept visits from key special rapporteurs, such as those focused on torture, lawyers, arbitrary detention, ethnic minorities, and religious freedom; some of their visit requests have been pending for almost a decade. We also urge that you follow up your expressed concerns about the death of Cao Shunli by asking Chinese authorities to cease their harassment inside and outside the country of those who try to participate in UN reviews or make use of other UN human rights mechanisms.
- Publicly expressing concern about the new Foreign NGO Management Law, which will require international organizations in China to register with, and be supervised by, the Ministry of Public Security. In doing so you would echo calls from the UN

¹ “Secretary-General’s video message to the Joint High-Level Symposium on 2030 Agenda”, United Nations Office of the Secretary-General, <http://www.un.org/sg/statements/index.asp?nid=9749>.

² Human Rights Watch, *They Say We Should Be Grateful: Mass Rehousing and Relocation Programs in Tibetan Areas of China* (New York: Human Rights Watch, 2013), <https://www.hrw.org/report/2013/06/27/they-say-we-should-be-grateful/mass-rehousing-and-relocation-programs-tibetan>.

³ “Highlights of the noon briefing,” UN Office of the Spokesperson for the Secretary-General, March 19, 2014, <http://www.un.org/sg/spokesperson/highlights/index.asp?HighD=3/19/2014>.

High Commissioner for Human Rights⁴ and several special rapporteurs,⁵ dozens of governments, and international nongovernmental organizations to withdraw the law.

- Urging senior Chinese officials to use China’s permanent seat on the Security Council and position in the International Syria Support Group to advance productive discussions about human rights and humanitarian assistance in situations of acute crisis, such as Burundi, North Korea, South Sudan, and Syria.

The Chinese authorities’ assault on human rights over the past few years has been ferocious. Nonetheless, we have seen that international pressure in particular cases, such as the modestly reduced sentences handed down in 2015 to veteran journalist Gao Yu and lawyer Pu Zhiqiang, has to some extent been effective.⁶ By publicly as well as privately expressing concerns, you empower and expand political space for people across China – the primary engines for human rights change there. It is imperative your messages be audible to them. Equally important, doing so demonstrates the UN’s commitment to these issues with all member states impartially.

As always, I would be happy to discuss these matters at any convenient time.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth Roth', with a stylized flourish at the end.

Kenneth Roth

⁴ OHCHR, “High Commissioner’s Speech to UN Human Rights Council,” June 13, 2016, http://www.unog.ch/unog/website/news_media.nsf/%28httpNewsByYear_en%29/4121E74061E612B6C1257FD100445A52?OpenDocument.

⁵ “China: Newly adopted Foreign NGO Law should be repealed, UN experts urge,” OHCHR press release, May 3, 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19921&LangID=E>.

⁶ “China: New Verdicts a Travesty of Justice,” Human Rights Watch news release, November 30, 2015, <https://www.hrw.org/news/2015/11/30/china-new-verdicts-travesty-justice>; “China: Free Prominent Lawyer Pu Zhiqiang,” HRW news release, December 13, 2015, <https://www.hrw.org/news/2015/12/13/china-free-prominent-lawyer-pu-zhiqiang>.