China's UPR Mid-term: Concrete progress, accountability for reprisals essential

15.03.2016

On the two year anniversary of Cao Shunli's death, 14 March, ISHR and its partners held a Human Rights Council side-event to highlight the deteriorating human rights situation in China and the challenges of UPR implementation. The event concluded with a moment of silence to honour all defenders in China who have died in detention.

(Geneva) - Human rights defenders and their organisations, families and associates are facing a crackdown in China unprecedented since the 1989 Tiananmen massacre, according to leading Chinese lawyer Teng Biao. Statements, interventions, support and solidarity from States and the international human rights community - such as the joint statement delivered by the US on behalf of 12 States in the UN Human Rights Council - have never been more important to sustain and strengthen civil society in China, he said.

The statements were made in the context of a side-event convened by ISHR, in conjunction with the International Commission of Jurists and Human Rights Watch and with the support of a range of other partners, on 14 March 2016, which also marked the second anniversary of the death in custody of Chinese human rights lawyer Cao Shunli. View photos of the event here.

The event focused on the deteriorating human rights situation in China through the lens of the UPR mid-term review. Panelists identified key recommendations accepted by China in the UPR two years ago, reflected on the current state of the country, and offered solutions for better implementation over the two years remaining before the next review.

The discussion centered around several clusters of UPR recommendations accepted by China, relating to:
Notwithstanding UPR recommendations accepted by China under each of these clusters, all of the panelists agreed that the human rights situation in China concerning civil society has, in fact, deteriorated since 2013.

Teng Biao, a leading human rights lawyer and former ISHR trainee, highlighted the various tactics used by Chinese authorities to systematically persecute human rights defenders, lawyers, NGOs and religious practitioners. This includes enforced disappearances, televised confessions, torture, arbitrary detention, and laws and regulations limiting freedom of speech and association. He commented that at least 2,000 human rights defenders have been arrested since 2013 and that, in just the last 8 months, 317 lawyers and defenders have been subject to some form of detention by security authorities, both abroad and in China.

'It's dangerous for Tibetans to communicate to the outside world so we need the outside world to come to Tibet.' – Namgo Tschasang

Mr Namgo Tschasang offered his first-hand experience as an example of the threats and harassment he and his family continue to receive for his documentation of human rights violations in TARC (Tibetan) areas. Respect for the rights to freedom of expression, association, assembly, public participation and religious belief are vital for the advancement of all other rights in the region, he said.

Ms Padma Dolma reiterated this issue, noting that Freedom House ranks the repression of Tibetan religious and ethnic minorities as among the worst in the world. Ms Dolma testified that torture is used routinely and systematically against those claiming or exercising their basic democratic rights in TARC (Tibetan) areas.

In a similar vein, Mr Peter Irwin of the World Uyghur Congress noted that detained human rights defenders, particularly those advocating for minority rights, are routinely ill-treated and denied access to legal counsel in violation of the rule of law.

'The problem is implementation.' - Peter Irwin

The recurring matter of implementation highlighted the necessity of regular mid-term reporting in general, as part of the UPR process. Speaking from the floor, Roland Chauville of UPR Info shared good practices of States in drafting mid-term reports, often in dialogue with civil society. Independent NGOs have a vital role to play assisting, monitoring and reporting on implementation of UPR recommendations, he said. In addition to advocating mid-term reports, UPR Info also suggested the organisation of side events by a State or States to allow a less formal but still informative and transparent exchange.

Finally, speaking from the floor another civil society representative emphasised the importance of protecting against reprisals. The two year anniversary of Cao Shunli’s death in detention was on 14 March, and civil society in China recognises this as a day to celebrate Human Rights Defenders. This year, according to the Network of Chinese Human Rights Defenders, the winner of the Cao Shunli Memorial Award is women human rights defender Jia Lingmin - currently serving a four-year sentence for ‘picking quarrels and provoking troubles’.

The Q&A period highlighted the range of tools available to the international community to continue to support Chinese defenders and press for implementation of the UPR review. States were urged to speak out jointly as well as individually; to press China to accept visits of key UN Special Procedures, including the Special Rapporteur on Torture; and to press for UPR mid-term reporting from their partner countries and as part of the UPR 3rd cycle. Civil society noted ongoing work to build solidarity amongst lawyers in different countries and in different areas of work; and was encouraged to make use of other international commitments that
protect human rights defenders and their families. The UN was emphasised as a critical actor in coordinating support from the international community and panelists called upon it to respond to its obligation to protect against reprisals and to think creatively about new means of engaging on human rights in China.