

China's human rights record under scrutiny at the UN

22.10.2013



(Geneva) - China's human rights record was in the spotlight at the UN today as it presented itself for its second assessment under the Universal Periodic Review (UPR).

'The UPR offers a unique opportunity to assess the human rights record of all UN member States every four and a half years', said Michael Ineichen, ISHR's Director of Human Rights Council Advocacy. 'This time, China had no control over the list of States who spoke, which meant we saw criticisms across the board and from all regions of the world.'

There were some hard-hitting interventions from the 140 States signed up to take part in the review, including calls on China to end arbitrary detention as a means of controlling human rights defenders, to investigate reprisals against those who cooperate with the UN system, and to ratify the International Covenant on Civil and Political Rights (ICCPR).

But friendly States were also out in force, with well-wishers such as Gabon, Cuba, Jamaica, and Iran congratulating China on its implementation of recommendations from its last UPR, its commitment to NGO participation in the review, its progress on poverty alleviation, and encouraging it to crack down on 'illegal' use of the internet.

Commenting on this Mr Ineichen said, 'It was evident that China had rallied its friends to its cause, with even small States like Comoros, rare participants in the UPR, taking the floor to support the Chinese line.'

The continued detention of human rights defender Ms Cao Shunli in Beijing's First Prison overshadowed the review. Ms Shunli has not been seen since 14 September when she tried to board a plane to attend a meeting of the UN's Human Rights Council in Geneva. She had been attempting to convince the Chinese Government to allow civil society to participate in the UPR process.

'Cao Shunli's case is emblematic of the lengths some States will go to to prevent civil society participation in the UN human rights system', Mr Ineichen said. 'In that sense it speaks to the power of the system in the eyes of these countries.'

For its part, China repeatedly stated how much it 'values the participation of NGOs' in the UPR. It claimed to have solicited the views of 'dozens' of organisations, as well as seeking broad public input via the Foreign Ministry's website. However, it noted, some individuals did not participate through these established channels, but 'instigated unlawful gatherings'. It expressed regret that 'criminals' were being labelled human rights defenders.

Despite the high profile of Cao Shunli's case, she was not mentioned by name during the review. Finland was one of the few States to attempt to pin China down on the issue of reprisals suffered for attempted cooperation with the UPR. However Hungary, despite leading on a ground-breaking resolution condemning reprisals, at the 24th session of the Human Rights Council, did not question China on this point during the UPR.

'While we are disappointed that some States did not show leadership on this issue, we were pleased to see others, such as Ireland, step up', said Mr Ineichen. Ireland spoke out strongly on civil society space, showing commitment to the principles in the resolution it led on this subject at the Human Rights Council. It called on China to ensure an environment 'free from fear'. And in another strong statement the US called for the end of legal measures such as enforced disappearance directed at human rights defenders, their families and friends.

'Unfortunately the few commitments we saw China make in response were very much on its own terms', said Mr Ineichen. Although China stated its readiness to cooperate with the UN, and issued four invitations to UN experts to visit the country, these invitations are to experts working on health, safe drinking water, the effects of foreign debt, and discrimination against women - a notable absence of those issues raised consistently throughout the review, such as freedom of association and assembly, torture, arbitrary detention, and human rights defenders.

Similarly, China repeated its invitation to the High Commissioner to visit, but made no commitments to giving her unhindered access to all parts of the country including Tibet (officially known as TARC).

And in response to repeated calls from States that China should ratify the ICCPR, China rolled out its standard response, that its policy is not to ratify international instruments until the domestic conditions are right, and that it is taking steps in this direction. It made the same comment at its last UPR and then as now failed to set out a clear timetable for ratification.

'What we also saw is China's attempt to hold itself accountable to lower standards than other countries', said Mr Ineichen, as China offered thanks to supportive countries for 'recognising the challenges' that a developing country faces in implementing human rights. 'There can be no excuse for violating human rights', Mr Ineichen said. 'China's record across the board must be viewed in the light of the same universal human rights standards that all States are expected to uphold.'

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