

10 August 2015

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

China: Open letter to States for joint action to address worsening crackdown on human rights defenders and lawyers

Your Excellency,

We urge your delegation to make statements, both jointly and individually, to address the unprecedented crackdown on human rights defenders and lawyers in China – indeed on Chinese civil society in general - at the forthcoming 30th session of the UN Human Rights Council in Geneva. The Chinese government made commitments when joining the Council to uphold human rights and the integrity of the UN human rights system; the contradiction between these commitments and the domestic human rights situation in China has never been more evident.

In the first half of 2015, the human rights situation in China declined dramatically. Women’s rights activists were detained merely for seeking to raise awareness about sexual harassment on public transportation. A series of draft laws were presented for public comment that threaten to further restrict independent civil society and freedom of expression, association and peaceful assembly.

The opening day of the 30th session of the Council marks the two-year anniversary of the detention of Cao Shunli for seeking to engage with UN human rights mechanisms. To date no progress has been made toward accountability for her death in custody; to the contrary, custodial deaths have continued. On 12 July, authorities confirmed the death of respected Tibetan monk Tenzin Delek Rinpoche who was serving a life sentence, handed down without a fair trial, for having exercised his right to peaceful assembly. Police opened fire on those supporters calling for his body to be released to his family for traditional burial.

High Commissioner for Human Rights Zeid released a strong statement on 7 July calling on the Chinese government to consider the implications of the recently-adopted National Security Law. This law, in conjunction with other draft laws, severely constrains space for civil society and peaceful dissent. A proposed counter-terrorism law, for example, would permit the imposition of penalties for peaceful expression of religious belief or criticism of ethnic or religious policies. The High Commissioner encouraged careful attention to respect for these and other fundamental freedoms.

And yet, starting on 9 July the Chinese government embarked on a sweeping and systematic effort to harass, detain, and silence human rights defenders and lawyers, their supporters and colleagues, and even their families. Activists estimate that over 200 members of the Chinese human rights community were affected, with many detained, disappeared, or forced underground. As of 7 August, four weeks later, 28 activists were missing or in police custody; some of those detained have ‘confessed’ publicly on Chinese state media to being part of a ‘criminal gang’ or to ‘disrupting public order’; access to legal counsel, however, has been extremely limited.

The Human Rights Council should speak out strongly against such blatant backpedalling on human rights by a Member State. We call on all States to use the platform of the Council to urge China to cease its targeting of human rights defenders; immediately release all those arbitrarily detained; respect and enable the exercise of the rights to freedom of expression, association and assembly; and provide for transparent investigations and adequate remedies for those affected by this crackdown. In particular we urge you to use the following tools to raise these critical issues:

- Joint statement(s)

States should, with one voice, make clear to China that disregard for human rights cannot be justified by reference to imperatives of national security or countering terrorism; nor can legitimate concerns of the international community be dismissed by oft-repeated appeals for ‘non-interference in domestic affairs’. A strong joint statement could build on the various national-level statements made by governments in response to the July crackdown, and call for the unconditional release of all political prisoners. This includes but is not limited to: rights defence lawyers Pu Zhiqiang, Wang Yonghang, and Wang Yu; journalist Gao Yu; moderate Uighur scholar Ilham Tohti; grassroots democracy activist Liu Ping and human rights defender Mi Chongbiao; New Citizens’ Movement activists Xu Zhiyong and Guo Feixiong (Yang Maodong); Tibetan monk and community leader Khenpo Kartse (Karma Tsewang); and Nobel Prize winner Liu Xiaobo and his wife Liu Xia.

- Item 4 Statements

At the 29th session of the Council, a number of delegations, including the Czech Republic, the European Union, Germany, the United States, and Switzerland specifically mentioned China in their statements under Agenda Item 4. States should use this platform at the 30th session to highlight the serious structural barriers to human rights that exist in China, in particular those impacting Tibetan and Uyghur minorities, and to press for progress on and follow-up to specific cases. States should also urge China to agree to requests for country visits by key Special rapporteurs, including those on human rights defenders; freedom of assembly and association; freedom of expression; freedom of religion; and torture.

- Interactive Dialogues with the Working Group on Enforced or Involuntary Disappearances (WGEID) and the Working Group on Arbitrary Detention (WGAD)

These Working Groups have a long track record of engaging on issues related to their mandates in China, but have seen little in return. States should use this platform to press for more serious engagement by the Chinese government with these and other Special Procedures, and for robust and transparent follow-up on cases raised during the year but often lacking substantive response or action by China. These could include the detentions of Liu Xizhen, Ge Zhihui, and Ding Jiayi, and of the ‘Guangzhou 3’ lawyers Tang Jingling, Wang Qingying, and Yuan Xinting.

In 2013 when China ran as a candidate for the Human Rights Council, the WGAD issued 10 urgent appeals related to cases in China – more than any other country (see A/HRC/27/48). The last visit of the WGAD to the country was in 2004, and there does not seem to have been any progress by the Chinese government in implementing the relevant recommendations. These recommendations included, *inter alia*, to limit the power of the procuratorate; ensure due process requirements; safeguard against abuses in centres for mental health patients and drug users; and prohibit the use of ‘vague, imprecise, or sweeping elements’ of criminal code to punish peaceful exercise of fundamental freedoms

(see E/CN.4/2005/6/Add.4). The WGEID requested a visit to China on 19 February 2013 and to date has not received a response.

Through these opportunities for dialogue, and others, you as Council members and observers can fulfil your responsibility to bring attention to human rights violations occurring in China. **The 30th session of the Council should be fully leveraged to improve the human rights situation in China, end the widespread harassment of human rights defenders and reverse efforts to further constrain freedom of association and assembly.**

We are available to provide further information as required, and look forward to our continued engagement.

Sincerely,

China Labour Bulletin

Chinese Human Rights Defenders

Fédération Internationale des Droits de l'Homme (FIDH)

Human Rights in China

Human Rights Watch

International Campaign for Tibet

International Service for Human Rights