

## **HRC40 | Ending arbitrary detention in China will take strong Council action**

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**If the Human Rights Council cannot speak out against arbitrary detention and enforced disappearance in China, it will give a pass to one of the world's worst human rights violators, and send a worrying message to activists around the globe, ISHR said today.**



\*\*\*Updated as of 19 March\*\*\*

Imagine not being able to call your best friend to wish her happy birthday, because it might put her in danger. Imagine growing up believing your father was 'working overseas', just because your mother doesn't want to explain that he is in prison. Imagine growing up overseas, knowing your father is being harassed, detained or worse back at home.

'When a human rights defender is detained or disappeared in China, this is the reality faced by their family and friends,' says Sarah M Brooks, Asia Advocate at ISHR. 'They fight for months or years to get even the most basic information'.

For the Uyghur Muslims bearing the brunt of China's crackdown on dissent and on human dignity, says Brooks, the situation is even worse. The scope of the mass internment of an estimated one million Turkic Muslims in Xinjiang is so great that Uyghurs, both in China and living abroad, may not know if a classmate, some colleagues, or their family are in the camps. They may not even know if their loved ones are dead or alive.

Since the current March 2019 session of the Human Rights Council began, a number of States have raised concerns about the human rights situation in China. This includes the UK, Australia, France, Germany, the Netherlands and the EU; both the Netherlands and Norway took the floor also to welcome the adoption of China's UPR. Their statements sought an uneasy balance between remaining cooperative and emphasising areas for future engagement, and decrying the government's outright refusal to consider key recommendations, such as those calling for an end to detentions of Uyghurs in Xinjiang. These statements in the Council were joined by Germany, whose [strong statement](#) specifically noted that, on recommendations 'accepted and already implemented', there remained ample room for improvement.

Despite these efforts, the ongoing and systematic crackdown on human rights advocates and lawyers across China, and the severe suppression of human rights and fundamental freedoms in the western part of the country, deserve more than individual statements and condemnation, as important as they may be.

'States at the Council have shown principled leadership already, raising the alarm about the detention of women human rights defenders in Saudi Arabia in a ground-breaking joint statement led by Iceland,' Brooks notes. 'They must now show the same leadership and apply the same principled approach to tackle the egregious situation in China.'

The Chinese delegation, as reported [by major news outlets](#), was insistent that Uyghurs were not interned in camps, but rather were students on 'campuses'. They argued that this was a best practice in 'preventive approaches' to countering terrorism, and promptly released on 18 March [a white paper](#) justifying precisely that. Activists and experts have roundly condemned the policies the white paper presents; States, thus far, have remained hesitant to publicly highlight inconsistencies with China's own laws and with international human rights standards.

'Confronted with an onslaught of hosted, scripted visits, extensive lobbying by Chinese diplomats and a colourful display of photographs and blatant Chinese Communist Party propaganda, the Council has largely remained silent on China,' says Brooks.

This comes despite extensive credible information from NGOs, and significant concerns raised by eminent experts and UN bodies, about arbitrary detention and enforced disappearance, particularly in Xinjiang.

'States who stand up for human rights in other jurisdictions – the rights to freedom of religion and belief, the rights of minorities, the fight against torture and detention and disappearance – seem cowed. In the case of China, these States appear to have made a calculation to place political expediency and profits above the fundamental human rights of people,' Brooks concludes.

'This sends a grim message to Chinese activists, and a greenlight to other violators. It's a short-term and short-sighted approach that will contribute to undermining international human rights and the rule of law.'

The full text of the statements (as prepared) can be found below.

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#### **Item 4 General Debate**

Mr President,

The Council seems on track to once again allow a country situation desperately needing its attention to escape with little more than light protestation.

In light of the systemic and widespread nature of violations across the country, but especially in Xinjiang, we reiterate our call – and the High Commissioner's – that **China** allow access to international experts and release all individuals held in arbitrary detention.

A Chinese lawyer who called for constitutional reform, **Yu Wensheng**, remains in detention without access to his family or lawyers of his choosing, while 61 year old **Li Yuhua** has been detained without trial for nearly 18 months.

The family of **Wang Quanzhang**, sentenced to four and a half years on 28 January, has not seen him even once since the nation-wide crackdown in July 2015. Lawyer **Jiang Tianyong**, who finished serving a prison sentence on 28 February, is still not free – he is constantly surveilled, and his movement restricted.

Rather than using the law to protect individuals, it is increasingly clear that in China, the law targets defenders for the exercise of internationally protected rights and for legitimate criticism of government policies. Its purpose is not justice, but protecting the interests of the Party.

The situation in **Xinjiang** takes the trend of arbitrary detention to its tragic extreme. The internment of an estimated one million or more Uyghurs, Kazakhs and other Turkic Muslims in re-education camps is not only arbitrary, it is illegal. I repeat: these camps have no basis in Chinese law and manifestly violate international law.

China's response to the multiple requests for information, including from CERD experts and the Special Procedures, has been to deny that arbitrary detention exists at all. Its response to increasing diplomatic concerns has been to whitewash its behaviour through scripted visits and colourful photos.

We saw last week with the joint statement on human rights in Saudi Arabia that principled leadership can be brought to bear in the Council. It is both myopic and immoral for States to place political expediency and profits above the fundamental human rights of people

The Council should press China to provide unfettered and independent access, and call for increased monitoring and reporting by OHCHR. A fact-finding mission is the only answer that comes close to responding to a challenge on this scale.

If the Council gives China, one of its own members, a pass, it would send a dangerous message: that economic influence and diplomatic charm offensives are sufficient to delay principled and potentially life-saving scrutiny.

**Watch the statement's video here:**

## **China UPR Adoption**

Mr President,

ISHR, joined by CIVICUS and Lawyer's Rights Watch Canada, deliver this statement in honour of Cao Shunli and of all defenders unjustly detained for promoting human rights in the People's Republic of China.

While China regularly urges cooperation and dialogue, its approach to the UPR was anything but. A categoric rejection of recommendations on access to Xinjiang and the detention of Muslim minorities is the most flagrant example.

The government also refused recommendations related to the abolition of the death penalty, and the ratification of the ICCPR.

China should, however, be encouraged to follow through on positive commitments made during this UPR and in its own legislation to improve respect for human rights by business, specifically through implementation of all pillars of the UN Guiding Principles.

Mr President,

China's claims that some recommendations are 'accepted and already implemented' are insidious, giving a veneer of cooperation, while minimising the challenges of protecting and promoting human rights.

China claims recommendations on women's rights were 'accepted and already implemented', and yet Chinese women human rights defenders face great challenges. The oldest and most respected social media account discussing women's rights was shut down on March 8 last year; discrimination in employment is pervasive; and activists are regularly harassed for their work for gender equality.

China claims recommendations on sexual orientation and gender identity were 'accepted and already implemented', yet civil society efforts to combat discrimination and ensure equality through the courts are undercut by official policies, including some banning 'homosexual content' in media.

Finally, we note that a recommendation on ensuring safe participation of civil society at the UN was 'accepted and already implemented'. If this is the case, we demand a transparent, independent investigation into Cao Shunli's death, five years ago this yesterday, and accountability for the individuals responsible.

We urge China to meaningfully engage with the UN human rights system, including the UPR -- not to use it as a fig leaf.

Thank you.

**Watch the statement's video:**

*For more information, please contact Sarah M Brooks (at [s.brooks@ishr.ch](mailto:s.brooks@ishr.ch) or Twitter @[@sarahmcneer](https://twitter.com/sarahmcneer)); or Raphael Viana David (at [r.vianadavid@ishr.ch](mailto:r.vianadavid@ishr.ch) or on Twitter at @[vdraphael](https://twitter.com/vdraphael)).*

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