



**Urgent Appeal Regarding China’s 2018 Universal Periodic Review
Submitted to 20 Governments
By Human Rights in China, October 2018**

[Note: HRIC submitted the following urgent appeal to 20 governments in advance of China’s UPR, to *hold a principled line to protect the international human rights system: its institutions, processes, and values. As the UN High Commissioner for Human Rights has recently stated, the “UPR ensures groundbreaking scrutiny of the human rights record of every State in the world.”*

The 20 governments are: Australia, Austria, Brazil, Canada, Czech Republic, Denmark, EU, Finland, France, Germany, Iceland, Ireland, Japan, Norway, Pakistan, Spain, Sweden, Switzerland, UK, US.

See a list of Recommendations HRIC advanced to those states at the end of the appeal.]

As China sharpens its divergence from international human rights norms, in its policy and action at home and abroad, China’s upcoming Universal Periodic Review—the cornerstone peer review mechanism of the international human rights system—presents a critical opportunity for UN member states to address human rights issues that affect us all. Most urgently, the Chinese government must account for the repression of ethnic groups, especially Tibetans and Uyghurs, including the internment of an estimated one million Uyghurs in Xinjiang and other regions in China.

HRIC urges the government of Australia to utilize China’s UPR to conduct a rigorous and factually-based assessment of China’s fulfilment of its human rights obligations and commitments. In so doing, UN member states will also strengthen the UPR mechanism’s effectiveness and credibility as a tool for promoting human rights progress. In addition, we urge more effective and concrete actions among member states to counter China’s efforts to recreate the international human rights system in its own authoritarian image.

What’s At Stake: The Integrity and Effectiveness of the International Human Rights System

- **An alarming resurgence of authoritarianism, xenophobia, and nativism in many parts of the world threatens the international human rights system.** In addition to exacerbating violations of human rights that are protected both under international law and by norms and mechanisms established by the international human rights system, this resurgence also presents “ideological” challenges to the system itself.

The core principle on which the system was built—the universality of human rights—is under sustained attack from many directions, including from governments of both the political right and left. Universality has stood as the foundation of the safeguards formulated to prevent the persecution of individuals and groups, including based upon their race, ethnicity, religion, or political views, which had resulted in the massive human sufferings and untold deaths preceding and during the Second World War.

- **China has led the attack on the international human rights system.** As it pursues domestic policy that subverts the rule of law and violates the basic rights of its 1.4 billion people, China also wages conceptual attacks on international human rights norms that protect the rights of all people. It wins the support of like-minded states, and of those willing to cooperate in exchange for market access and other perceived benefits to their national interests.

China’s Two-Pronged Strategy: Domestic Enforcement of Party Supremacy and Undermining the International Human Rights System

Domestic rejection of the rule of law. Since Xi Jinping came to power in 2012, China has escalated information control, suppression of lawyers and rights defenders, punishment of citizens raising livelihood concerns, and the “Sinocizing” of religious beliefs—practices that violate numerous fundamental rights and freedoms. Since March 2018, following the enshrinement of *Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era* into the state constitution, Chinese authorities have turned the centerpiece of this “guiding ideology”—“Ensure Party leadership over all work” (坚持党对一切工作的领导)—into an operational requirement for all within its borders. All state institutions (including the courts), professional sectors (legal, academic, news and media, business, etc.), and all of civil society must submit to the supremacy of the Communist Party of China. This comprehensive requirement to uphold CPC ideological supremacy hollows out the key safeguards of human rights: the rule of law, a free and independent press, and a diverse civil society.

- **Extraterritorial impact.** While invoking the UN Charter principles of state sovereignty and non-interference, China does not hesitate to demonstrate its contempt for international law and human rights standards by both blatant and veiled extraterritorial actions, including kidnapping or detaining foreign nationals, coercing refoulement, and exacting self-censorship in foreign academic institutions, think tanks, and the business community. There are few places where China’s long arm does not reach.
- **China’s critical strategic shift from “doing our best to comply” to ‘attack-and-replace’.** Previously, China, in its official narrative, invoked its “developing-country” status and the complexity of its “national conditions” as defenses in response to critical assessments of its human rights record, and pledged to improve that record as the country developed. Today, with its enormous economic clout, China, instead of improving its human rights record, is attacking the system by which that record is measured and rejecting its core principle: universality. And as it asserts leadership on the international stage, it champions its authoritarian models of human rights (“human rights with Chinese characteristics”), development (that rejects a rights-based framework), and governance (“Chinese democracy”).

When confronted with this major—and transparent—shift in China’s global agenda and vision articulated at the highest policy levels, the international community has largely continued to engage China with ineffective diplomatic tools and approaches or, worse, has abstained from action. But states must take principled actions to prevent China from furthering its agenda unimpeded. The consequences of inaction are all too clear: In March 2018, for example, at the Human Rights Council, China led the passage of a resolution entitled, “Promoting Mutually

Beneficial Cooperation in the Field of Human Rights”¹ that essentially replaces state accountability for the protection of human rights with “constructive cooperation” among states. The language in the resolution comes directly from *Xi Jinping Thought*.

2018 UPR of China: A Critical Moment Demanding a Mental and Strategic “Reset”

Policy assumptions that China’s human rights record would improve with market opening, global trade, and improved national conditions have been proven largely wrong. Instead, China has been using its growing political and economic influence to increasingly undermine not only the human rights of its own people, but also the international human rights system created to protect all people.

It is imperative that UN member states hold a principled line to protect the international human rights system: its institutions, processes, and values. As the UN High Commissioner for Human Rights has recently stated, the “UPR ensures ground-breaking scrutiny of the human rights record of every State in the world.”

The reaffirmation of the universality of human rights as a core message in your UPR intervention serves the interests of your government, and the governments of all member states. While we appreciate the time constraints during the interactive UPR dialogue, we strongly urge your government to include the following brief statement:

While we appreciate the active participation of China in the UN human rights system and diverse perspectives, our government reiterates its strong commitment to the foundational principles of the UN human rights system: the universality of human rights and respect for human dignity.

Building upon key concerns expressed by the international community and past UPR recommendations, we urge your government to strengthen them by advancing recommendations that are more specific, measurable, and include a specific timeframe for implementation.

Recommendations made by HRIC to 20 Governments October 2018, In advance of China’s UPR

Xinjiang

- In light of the mounting reports of the internment of as many as one million ethnic Uyghurs in detention facilities in the XUAR and elsewhere in China, **we urge the Chinese government to accord all ethnic Uyghur detainees—irrespective of what the places of their detention are called—all protections under international law and guidelines, including the *Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment* (General Assembly resolution 43/173, 9 December 1988).**

¹ U.N. General Assembly, “Promoting Mutually Beneficial Cooperation in the Field of Human Rights,” U.N. Doc. A/HRC/37/L.36 (March 19, 2018).

(To: Australia, Austria, Canada, Czech Republic, EU, France, Germany, Japan, Pakistan, Sweden, UK, US)

Lawyers and legal advocates

- Since China's second UPR in 2013, Chinese authorities have mounted a massive crackdown on lawyers and legal advocates. **We urge the Chinese government to ensure that lawyers and legal advocates—as well as their families—working to advance rights protected under domestic and international law are not subject to harassment, persecution, and criminal prosecution.**

(To: Australia, Canada, EU, Finland, Germany, Spain, Switzerland, US)

Cooperation and compliance with international standards

- Respond to outstanding requests for invitations to visit China by special procedures and extend a standing (open) invitation to all special procedures, provide specific timetables for these visits, and provide clear assurances of compliance with UN Terms of Reference for these country visits.

(To: Austria, Canada, France, Iceland, Ireland, Switzerland)

- Recognizing commitments made by the government of China in its National Human Rights Action Plan (2016-2020) (NHRAP) to participate in the work of UN human rights mechanisms, including the UPR, **facilitate a constructive assessment of progress in the next NHRAP report by inclusion of specific indicators, benchmarks, and relevant concrete information on progress in implementation of recommendations of the Committee on Rights of Persons with Disabilities.**

(To: Brazil)

- Please share your experience in implementing National Human Rights Action Plan (2016-2020) (NHRAP) and include specific indicators, benchmarks, and relevant information on progress to facilitate a constructive assessment of progress.

(To: Pakistan)

ICCPR

- Commit to a specific timeframe for the ratification of the *International Covenant on Civil and Political Rights*, but in no case beyond the time period of the National Human Rights Action Plan (2016-2020) (NHRAP), and commit to working towards post-ratification compliance in accordance with legal obligations as defined in General Comment 31 issued by the Human Rights Committee.

(To: Brazil, Czech Republic, Denmark, France, Japan, Norway, Spain, UK, US)

Civil society

- Ensure and demonstrate full civil society participation with actions including: taking immediate steps to end reprisals against citizens who participate or attempt to participate in UN human rights processes, and implementing concrete measures to allow expanded and diverse civil society participation and opportunities to provide input into, monitor, and engage with these processes.

(To: EU, Finland, Ireland, Spain, Switzerland)

- **Adopt concrete measures that ensure a safe and enabling civil society environment for ethnic minorities.** These measures should include broader dissemination of information on opportunities for ethnic groups to participate in and contribute to decisions that impact their communities' sustainable development, without fear of retaliation or harassment.

(To: Austria, Czech Republic, Germany, Japan, Sweden)

Legal reforms (related to FOE, FOA, and Religion)

- Following up on our 2013 recommendation (accepted by China), to expedite legal and institutional reforms to fully protect, in law and practice freedom of expression, association and assembly, and religion and belief,] **we urge the Chinese government to review key legislation promulgated since 2013, including the *National Security Law*, the *Cybersecurity Law*, and implementing regulations, to ensure compliance with international standards for legality, and that any restrictions on fundamental rights and freedoms are necessary, proportionate, and related to a legitimate government interest.**

(To: Australia, Denmark, France)

- Recognizing the challenges in ensuring protections of human rights while countering terrorism, **we urge the Chinese government to review key legislation promulgated, including the *National Security Law*, the *Cybersecurity Law*, and implementing regulations to ensure compliance with international standards for legality and to ensure that any restrictions on fundamental rights and freedoms are necessary, proportionate, and related to a legitimate government interest, including restrictions targeting specific ethnic groups in the name of national security.**

(To Canada, Germany, Norway, US)

- Referencing China's policies and practices on promoting economic, social, and cultural rights, **ensure that poverty alleviation efforts and development efforts are undertaken, monitored, and evaluated within an inclusive sustainable development and rights-based framework.**

(To: Sweden)

- In light of UN treaty body recommendations to adopt clear definitions of racial discrimination and gender based discrimination, **adopt clear, comprehensive definitions in accordance with CERD and CEDAW.**

(To: Iceland, Sweden)