



HUMAN RIGHTS COUNCIL ELECTIONS

2021 CANDIDATE

CHINA

Status - Seeking Election

Previous Terms - 2007-09, 2010-12, 2014-16, 2017-19

Key measures China should commit to implement as a Human Rights Council member

The following measures were jointly developed by the International Service for Human Rights, CSW, Chinese Human Rights Defenders, Human Rights in China, International Campaign for Tibet, The Rights Practice, Uyghur Human Rights Project, World Uyghur Congress.

Human rights defenders

- Repeal legal measures that target human rights defenders and civil society and prevent them from carrying out their work, including Criminal Procedure Law provisions on 'residential surveillance in a designated location', as set out in JOL CHN 18/2019 of November 2019.
- As per the findings of the Special Procedures regarding the misuse of China's counter-terrorism and national security legislation to target Uyghurs, Tibetans, other ethnic and religious minorities, Hong Kongers and political dissidents, establish a clear timeline to repeal or amend legislation and regulations that infringe on freedom of expression, freedom of assembly and freedom of association, such as the National Security Law and Counter-Terrorism Law.¹
- Release human rights defenders arbitrarily detained or imprisoned, conduct transparent investigations into disappearances of defenders, and provide full, unconditional freedom and appropriate remedy for those who have already completed prison sentences. This includes:
 - Human rights activists and lawyers, including Yu Wensheng, Li Yuhuan, Gao Zhisheng, Chen Jianfang, Xu Zhiyong, Chen Mei, Cai Wei, Qin Yongpei, Ding Jiayi, Cheng Yuan, Liu Dazhi, Wuge Jianxiong, Huang Qi, Liu Feiyue, Wang Yi², Zhou Shifeng, etc.
 - Uyghur scholars Tashopolat Tiyip, Rahile Dawut and 2019 Sakharov Prize winner Ilham Tohti
 - Tibetan human rights defenders, such as Tashi Wangchuk³, Anya Sengdra⁴, of the 'disappeared' Panchen Lama, and of the monk Drugdra and eight others⁵

1 OHCHR, 1 November 2019, OL CHN 18/2019

2 https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session85/A_HRC_WGAD_2019_36_AdvanceEditedVersion.pdf

3 OHCHR, 6 June 2018, 'China: UN human rights experts condemn 5-year jail term for Tibetan activist'.

4 OHCHR, 19 May 2020, 'UN experts urge China to drop charges against jailed Tibetan minority human rights defender'.

5 OHCHR, 10 May 2019, AL CHN 5/2019; International Campaign for Tibet, 18 July 2019, 'UN Special Rapporteurs ask China for information about nine Tibetans imprisoned for celebrating Dalai Lama's 80th birthday'.

Cooperation with UN human rights mechanisms

- Allow prompt and unfettered access to the High Commissioner, a UN/OHCHR advance team and relevant international experts, including to Uyghur and Tibetan regions, for the purposes of monitoring and reporting on alleged violations of minority and other human rights.
- Accept visit requests of, and cooperate fully with, all relevant Special Procedures, and in particular those focused on civil and political rights whose requests, in some cases, have been pending for nearly a decade - and allow them to visit freely within the PRC and to autonomous regions.
- Cooperate meaningfully with any other mechanisms established to advance the monitoring and implementation of international human rights obligations in China, including Hong Kong.
- Ensure any initiatives aimed at strengthening the efficiency and effectiveness of the Human Rights Council fully respect the role human rights play as the third pillar of UN engagement.
- Adhere to the agreed language and principles in the Vienna Declaration and Programme of Action, and cease efforts to call into question the term 'human rights defender'⁶.
- Ensure that any resolution advanced by your government incorporate the views and facilitate the participation of national human rights institutions, independent civil society organisations, human rights defenders and other stakeholders.

Surveillance and Arbitrary Detention of Uyghur and other Turkic Muslims

- End the use of harassment, intimidation disappearances and mass arbitrary detention directed at Uyghur and other Turkic Muslim individuals in China and worldwide.
- Provide unfettered access to what your government refers to as 'vocational training' or 'transformation through education' centres, and other places used for forced re-education.
- Systematically conduct human rights due diligence before deploying facial recognition technology, and throughout the entire lifecycle of the tools deployed.
- Investigate and prosecute individuals, officials and organisations found to be responsible for human rights violations either directly or as a result of policies they enact.

Fair trial guarantees and detention conditions

- Take steps to ensure that those awaiting trial have access to legal counsel of their own choice, as provided for in Chinese law, and take steps to remove exceptions to this rule.
- Take prompt and transparent action to address the trend of detention centres registering suspects in pre-trial detention under false names, which has the effect in practice of depriving them of their legally ensured right to communicate with family and access legal counsel.
- Reform the recently established liuzhi detention system under the National Supervision Commission (NSC), including through amendments to decision and transparent rules, to ensure that:
 - victims' families have the right to be informed of those taken into liuzhi,
 - those held in liuzhi shall have the right to access legal counsel and communicate with family, and
 - liuzhi itself is reclassified as part of the judicial system, rather than a parallel system

6 As a range of international law makes clear, this does not recognize defenders as having 'special' rights, but rather – as with any group facing discrimination or marginalisation – recognizes that human rights defenders may face particular challenges in the exercise of their internationally-recognized human rights, and that States therefore should adapt and effectively implement measures to protect, promote and realize their rights.

Torture and other cruel, inhuman or degrading treatment

- Redefine the definitions of torture to align with China's commitments as a State Party to the Convention against Torture, and ensure inclusion in the Criminal Law, Criminal Procedure Law and any other relevant laws, with a focus on:
 - Removing limitations on the definition of torture only when carried about by those classified as 'judicial officers'
 - Including non-physical form of torture (e.g., psychological or emotional)
 - Ensuring that acts constituting torture are defined and criminalised as such at any point, not within the limits of the state's investigation phase
- ensure that the legal provisions concerning torture and maltreatment also applies in liuzhi facilities
- Investigate all reports of death in custody, torture, or ill-treatment including refusal to provide adequate medical care promptly, effectively and impartially, and ensure proportionate sanctions on individuals found guilty of such acts, and remedy for victims and their families
- Prosecute all officials and entities found to have engaged in coerced confessions, including media corporations and networks that air forced or coerced confessions, in line with obligations under the Convention against Torture and other cruel, inhumane or degrading treatment

Religious, linguistic and cultural rights

- End the destruction of mosques and Uyghur graveyards and the criminalization of Uyghur language, literature, music and art
- Reaffirm the established rights of minorities to mother-tongue instruction in schools.
- Revise the bilingual education policy to ensure the use and promotion of ethnic minority languages in schools, allow mother-tongue instruction in pre-school and primary school, and ensure voluntary and consensual implementation of language policy in schools, including by consulting with and ensuring participation of ethnic minorities during the revision process.
- Ensure that all teaching and learning materials for pre-school and primary levels are available in ethnic minority languages and as feasible for secondary levels, and reflect culturally appropriate content; where local governments (e.g., Hotan, zh. Hetian, government) have limited this access, take legal and administrative steps to ensure they are fully compliant with national law and international obligations
- Refrain from claiming authority over the appointment of Tibetan Buddhist leaders, revise or repeal legislation intended to legitimise government interference in individuals' opinions or religious beliefs, such as the State Religious Affairs Bureau Order No. 5, the revised Regulations on Religious Affairs, and relevant provisions of the Counter-Terrorism Law.
- End interference in the management of Tibetan monasteries, directly or indirectly, and end surveillance measures aimed at persecuting dissent and religious belief in Tibetan monasteries.
- End enforced "patriotic education" and other indoctrination measures, aimed at suppressing freedom of religion or belief or freedom of expression, of religious practitioners or dissenters.
- End bans on visiting Buddhist temples and any other infringement upon the manifestation of religious belief.
- End the mass relocation of Tibetan herders and nomads, unless principles of free, prior and informed consent are observed.

Freedoms of expression, peaceful assembly and association and the right to access information

- Repeal laws and recently-promulgated regional regulations which may further curtail freedom of expression, in particular on social media and in chatrooms, and through use of other electronic means of communications.
- Repeal the Overseas NGO Management Law, and foster an enabling environment, fully protecting freedom of association, and removing restrictions on funding and unwieldy registration measures.
- Establish a credible, transparent mechanism independent of the HKSAR government to document and assess allegations of police violence and excessive use of force during peaceful protest in Hong Kong since May 2019, with the authority to make binding recommendations to the Hong Kong Police Force

Business and Human Rights

- Prohibit all use of forced or coerced labour, including by Uyghur individuals inside 're-education' facilities in the XUAR and 'transferred' to other parts of China, by public or private entities, including under the umbrella of poverty alleviation.
- Relieve the burden of proof on victims of occupational disease and allow them to fully and effectively access social benefits, including where appropriate disability benefits.
- Set up a grievance mechanism to receive complaints from people and communities whose human rights have been negatively affected by China's foreign aid and international cooperation projects.
- Join the Voluntary Principles on Security and Human Rights, and prohibit any Chinese enterprise, whether state-owned or private, to contract police or armed military of third countries to provide security for their business operations unless such contracts are in line with the standards and best practices outlined in the Voluntary Principles.
- Incorporate protections for international human rights standards into new legislation addressing out-bound investment and overseas development assistance, and amend as needed complementary existing regulations on ownership, corporate governance or responsible business conduct.

Non-discrimination

- Release a public plan for specific, measurable action to address bias and discrimination against individuals of African descent, including racist and xenophobic speech and acts by state actors and by non-state actors such as individuals and organisations, including businesses.