2018 Human Rights and Democracy country update - People's Republic of China

1. Overview of the human rights and democracy situation: The human rights situation in the People's Republic of China continued to be a matter of significant concern during 2018, especially in Xinjiang. The authorities continued to favour progress in economic and social rights over civil and political rights.

China's development since the reform and opening up period has led to the dramatic improvement of a number of aspects of economic and social rights, not least in the area of poverty alleviation and the rights to social goods (job creation, health and education above all). However, recent developments in the area of civil and political rights point to a serious and ongoing deterioration in the situation of human rights defenders and protection of the right of freedom of expression on-line and off-line, freedom of association and assembly, the rule of law and access to justice. Freedom of religion or belief has worsened with the expansion of re-education camps and the establishment of a mass surveillance system in Xinjiang.

The Public Security Administrative Punishments Law, the Law on Detention Centres and National Supervision Law, the Criminal Procedure Law, all these laws raised concerns as they contain a number of provisions which are inconsistent with Chinese obligations under international law or broad and vague definitions that are open to interpretation and possible abuse by authorities. The EU (on behalf of Member States) submitted lists of questions and suggestions during the public consultation period for amendments of the two later laws, and continued to urge the authorities to implement and observe the protections contained in other Chinese laws.

The situation of religious and ethnic minorities continues to worsen, in particular in Xinjiang Uyghur Autonomous Region, where severe violations of human rights continue to be reported alongside tightening restrictions on the exercise of religious freedom. Many credible reports have emerged, including the one by the United Nations Committee of the Elimination of Racial Discrimination, based on testimonies of witnesses about extra-judicial mass detention in political "re-education centres" affecting Uighurs and other minorities, intimidation of citizens by mass surveillance, restrictions on travel, and of Uighurs abroad, including the EU, being harassed or returned to China involuntarily. While access to Xinjiang and Tibet are still restricted for diplomatic staff, including UN and independent observers, a number of official visits have been organised to Xinjiang for foreign
officials and journalists. The grip on religion continued to tighten in Tibetan Autonomous Region and the Tibetan inhabited territories with the Communist Party of China taking direct control over monasteries and other religious institutions which was accompanied by five Tibetan self-immolations. Despite the signing of a concordat between the Vatican and China, the situation of Christian communities did not improve, with continued crackdowns, on "home churches".

The EU remains concerned about the large number of individuals detained or imprisoned on almost daily basis for exercising rights guaranteed by the Chinese constitution. The year under review has also been characterised by the conviction and ongoing detention of human rights lawyers and activists. Mr Wang Quanzhang who disappeared in August 2015 during a nationwide crackdown on human rights lawyers, known as the "709 crackdown", was convicted of "subversion of state power" and sentenced to four years and six months on 26 December 2018. Reports of the mistreatment of the individuals in detention continue to appear, besides physical torture describing numerous cruel methods of torment, such as psychological distress, denial of medical aid in terminal conditions, and other forms of violence, as well as pressure to their associates and family members. Gui Minhai, an EU national from Sweden, had been detained in mainland China in early 2018 and was kept incommunicado for a long period.

The Chinese government has also produced two White papers throughout the year resulting in the creation of a new narrative on human rights in China. Celebrating 40 years of reform and opening up, China published a White paper on "Progress in Human Rights over the 40 years of reform and opening up in China" in December 2018 and a White paper on "China's Policies and Practices on Protecting Freedom of Religious Belief" in April 2018.

2. EU action - key focus: As in previous years, the EU pursued its commitments to promote the universality, indivisibility and interdependence of human rights based on the UN Charter and standards, the need to give equal weight to political and civil rights, and to improve the human rights situation in China.

The EU's main priorities regarding the human rights situation in China were: supporting freedom of expression and assembly; providing support to civil society, human rights defenders and persons belonging to ethnic and religious minorities, in particular Uighurs and Tibetans; promoting genuine progress towards China's expressed ambition of establishing the rule of law; supporting freedom of religion and belief, especially in Xinjiang; and raising concerns related to death penalty and gender equality in China.

The EU continued working with the Chinese government on improving the living standards of China's citizens, gradually improving access to basic social services such as healthcare and education, and eradicating poverty.

3. EU bilateral political engagement: The 36th round of the EU-China Human Rights Dialogue was held in Beijing on 9-10 July 2018. As detailed in the press release published on 10 July, the two-day programme allowed for candid discussions on a wide range of human rights, and the possibility of future cooperation on issues related to business and human rights, disability rights and the status of women. While acknowledging China's progress on economic and social rights, the EU emphasised the universality, indivisibility and interdependence of human rights and the need to give equal weight to political and civil rights. The EU also conveyed its concerns related to the deteriorating situation of civil and political rights in China and submitted two lists of individual cases during the Dialogue. This year's Human Rights Dialogue was held on the third anniversary of the arrest and detention of more than 300 human rights lawyers and defenders beginning on 9 July 2015.
The EU, its Member States, and China continued to conduct technical exchanges on human rights issues. While exchanges on non-sensitive human rights issues continued and in some cases increased, cooperation on issues related to civil and political rights is proving increasingly difficult. Both the EU and its Member States raised their concern about China's human rights situation in international fora, and the Member States raised a number of issues, such as ratification of the International Covenant for Civil and Political Rights, situation in Xinjiang, death penalty, torture and extra-legal detentions, during the 3rd cycle of China's Universal Periodic Review (UPR).

4. EU financial engagement: The EU has, in line with its global human rights priorities, worked to improve China’s human rights situation through official government cooperation, under the EIDHR and Non-State-Actors (NSA) instruments, and through grassroots support. A special focus of the cooperation is rule of law, which is in line with China's own priorities. Other topics the EU has supported are women's and children's rights, and rights of vulnerable groups. On the occasion of international days throughout the year, the EU Delegation in China and the Member States have organised and supported a number of public diplomacy activities. The EU Delegation and a number of Member States have also supported grassroots initiatives linked to rights promotion.

5. Multilateral context: 2018 was marked by the 3rd Universal Periodic Review of China and the EU urged China to implement the recommendations made by its Member states.

The EU continued to call on China to fulfil its obligations under the UN Charter and international law, which are also reflected in China's Constitution. The EU also urged China to celebrate the 20th anniversary of the signature of the International Covenant on Civil and Political Rights by ratifying it.

The EU referred to the human rights situation in China in its item 4 statements issued during the March, June and September sessions of the UN Human Rights Council (HRC). While acknowledging the progress made on a number of areas of social and economic rights in China, the EU raised its concerns about the detention of a number of human rights defenders including EU national Gui Minhai, Wang Quanzhang, Li Yuhan, Huang Qi, Yu Wensheng, Wu Gan, Gao Zhisheng, Ilham Tohti, Qin Yongmin, Li Yuhan, and Tashi Wangchuk. It also called on China to respect freedom of religion or belief and freedom of expression, as well as the rights of persons belonging to ethnic minorities. The EU also expressed concerns related to Xinjiang and the expansion of re-education camps.

The third UPR of China was the opportunity for a number of delegations, including 25 EU Member States to convey 346 recommendations to China. EU Member States concerns and recommendations focused on the protection of ethnic minorities' human rights, especially Uyghurs and Tibetans, re-education centres in Xinjiang, freedom of religion or belief, freedom of expression, peaceful assembly and of the press, protection of groups in vulnerable situations, including women, children, disabled persons, LGBTI people, Hong Kong, access to all regions of China for the High Commissioner for human rights, Special procedure mandate holders and other independent observers, space for the civil society, human rights defenders, journalists and lawyers, ratification of international human rights instruments, as well as implementation of the International Covenant for Civil and Political Rights (signed by China on 5 October 1998 but not ratified), its second optional protocol, as well as the optional protocol to the Convention against Torture, the abolition of the death penalty or an immediate moratorium, and the establishment of a National Human Rights Institution in line with the Paris Principles. The UPR of China also served as a platform for the promotion of "Human rights with Chinese characteristics" and based under national conditions, undermining the universality of human rights and UN conventions.

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