

The Rights Practice
Submission to the Conservative Party Human Rights Commission (CPHRC)
Inquiry into Human Rights in China
April, 2020

Key Points

- As the UK reviews its foreign policy in the light of Brexit and as parliament and the British public have become more aware of the impact of China on the enjoyment of human rights around the world, we have a unique opportunity to ensure that human rights are central to future engagement with China.
- A British government human rights strategy for China will help to ensure this happens. The strategy should identify priority concerns, namely the critical situation in Xinjiang and Hong Kong and the treatment of those who advocate for human rights in China. It should be prepared to develop and use policy tools that will have impact. The strategy will need to be properly resourced and, given the scale and nature of the challenge, it should encourage cooperation: across government and internationally.

Introduction

1. The Rights Practice welcomes the invitation to make a submission to the third Conservative Party Human Rights Commission inquiry into human rights in China. Security issues and covid-19 have recently brought concerns about the actions of the Chinese government to the fore among both parliamentarians and the general public. The treatment of human rights in China should have served as the canary in the coal mine in determining the nature of our relations with China. Going forward, we hope that human rights will be central to our understanding and future relationship.
2. The Rights Practice is a UK-based human rights charity founded in 2002. We support the lawyers, civil society organisations, and academics that are working to advance human rights, particularly in China. Our submission focuses on the challenges and rights violations they experience. The cases we highlight below are personal for us. We know most of the people detained, we know their humanity and determination to see a better China. The Chinese authorities have long shown little regard for the human rights of their own citizens and have been swift to restrict the rights of those, in China, who have spoken out. It is perhaps our collective failure to adequately challenge these violations that have emboldened China to detain huge numbers of persons in Xinjiang, to undermine One Country Two Systems in Hong Kong and to challenge international norms at the United Nations.
3. Since the CPHRC's last inquiry, the human rights situation in China has deteriorated further under Chinese Communist Party (CCP) Chairman and President, Xi Jinping. The most pressing and serious concern is the large-scale detention of Uyghurs and other Turkic-speaking peoples in the Xinjiang Uyghur Autonomous Region (XUAR). In a

region where at least one million Uyghurs have been deprived of their liberty and an ancient culture is targeted by 'sinicisation', there are now numerous reports of the forced labour of Uyghurs in XUAR and mainland China. These detentions and other human rights violations towards predominantly Muslim minorities are largely unopposed in China because of the degree of control exercised by the CCP over all aspects of life from government to business, the courts, universities and the media. Where brave individuals from lawyers to citizen journalists or doctors dare to speak out their voices are silenced by censorship, police threats, spurious criminal charges and, often, imprisonment. In this repressive climate truth, transparency and trust are victims.

4. With the spread of covid-19 we are seeing how the Chinese authorities' determination to control information and avoid embarrassment for political leaders can delay the transmission of vital information to its own citizens and to the rest of the world, with deadly consequences. The overriding objective of the CCP is to remain in power and to achieve that it will defend itself against any threats to its perceived legitimacy. China's authoritarianism undermines fundamental freedoms of expression, including the right to know¹, and association. The fear of detention and torture or other cruel and inhuman treatment are vital tools of the Party in disciplining its citizens.
5. As the UK begins to fashion a new foreign policy outside the European Union, China poses one of the biggest challenges. Central to this challenge are the fundamental differences between the political values that influence the Chinese polity and ours. High degrees of freedom of expression and association mean that we enjoy a vibrant democratic culture rooted in the rule of law. This helps to ensure that the courts, the media, civil society and parliament can hold the government to account for human rights in the UK. These mechanisms are absent in China. An individual in conflict with the law in Britain can be pretty confident they will receive a fair trial and, if not, there are opportunities for redress. Again, this is not the case in China. As we develop an adequate response to the risks China poses to the human rights of its citizens and others around the world, we should also celebrate and nurture our strengths. Underpinning our strengths is a commitment to international law, best expressed through our membership of the European Convention on Human Rights and as state party to UN human rights treaties. It is difficult to hold China accountable if we are not prepared to demonstrate our own accountability.
6. There is a real risk that in our haste to criticise the Chinese government we risk inciting racism towards the Chinese community². Not only is this totally unacceptable in Britain, but it is being observed by social media audiences in China and exploited by the authorities there to sow disinformation and distrust. Communications about the role of the Chinese government and the CCP need to be handled with sensitivity. We should demonstrate solidarity with the people of China. Many fear increasing levels of repression as the government seeks total control of the covid-19 narrative. Many

¹ See for example, <https://www.ohchr.org/EN/NewsEvents/Pages/RightToKnow.aspx>

² <https://www.hopenothate.org.uk/2020/03/29/when-we-look-back-on-this-crisis-it-will-be-as-a-human-one-not-a-chinese-one/>

friends in China want, like us, to see accountability for the early handling of the coronavirus outbreak through an international, independent and expert investigation.

Context

7. China is a one-party state. Chinese Communist Party (CCP) policy informs all aspects of governance and public life. The Party's overriding concern is to maintain the stability of society (*shehui wending*) and the environment in which the Party is able to rule. The CCP promotes its interests through policy directives and personnel appointments. There are approximately 90 million party members who are expected to further CCP interests in their workplace and it is not an easy organisation to leave. Control of the media, surveillance and censorship enables the CCP to restrict freedom of expression and promote its own messages. In recent years, we have increasingly seen an attempt by China to influence the way the international community discusses China, through propaganda, commercial pressures (particularly on Chinese language media) and intimidation. There are growing concerns about Chinese disinformation activities overseas³ and within China.
8. The recent deterioration of human rights in China began around the time China hosted the 2008 Olympics. While the Chinese political-legal system is fundamentally antagonistic to the ideal of individual rights, a space had opened up in the late 1990s and early 2000s which allowed for the tentative growth of a civil society and research and promotion of human rights ideas. Revelations, in 2013, of CCP directive Document 9 signalled that, at the highest level, attitudes had changed. The document explicitly rejected the values of civil society, a competitive media, universal norms and critical discussion of China's modern history⁴.
9. A key lever of political influence is the Party's control of the legal system. Political legal committees oversee the functioning of the police, the prosecution and the courts and leading personnel in these institutions, at all administrative levels, are party members. These three institutions operate "within the system" (*tizhinei*), 'official China', and share privileged information among themselves and support the attainment of the Party's objectives. Lawyers are outside this system although their compulsory membership in the official All China Lawyers Association limits their professional independence. In recent years, the Party has sought greater control over the legal profession through trying to set up Party committees in law firms and tightening the regulations which govern the profession. In 2014, the government initiated a suite of national security laws including counterespionage, counterterrorism, cybersecurity and the management of foreign NGOs. The law governing foreign NGOs has had a chilling effect on cooperation between foreign NGOs, including British, and Chinese counterparts. Security laws have also contributed to a closing down of academic freedoms in China with an increasing number of scholars reporting restrictions on what they can teach, research and publish.

³ See for example, <https://euvsdisinfo.eu/eeas-special-report-update-2-22-april/>

⁴ <https://www.chinafile.com/document-9-chinafile-translation>

10. It is important to acknowledge the nature and interests of the legal system in China. When China claims that certain actions are lawful these statements carry a very different meaning from our understanding of the law. There are many officials in China who genuinely believe that legal systems in the West are as politically motivated as theirs. These conceptual gaps are real. Engagement, including official Human Rights Dialogues, has been one way to try to bridge these gulfs in understanding. Under Xi Jinping the Chinese authorities have shown less reticence in acknowledging that their 'legal system' is quite different. President of the Supreme People's Court, Zhou Qiang, warned fellow judges, in 2017, against Western ideas of judicial independence⁵. The appearance of a more aggressive style of so-called "wolf warrior" diplomacy⁶ has made it much more difficult for officials, including official scholars, to discuss legal matters with international counterparts. This has real life consequences for foreigners caught up in China's legal system.
11. Although China remains quite a socially conservative country, there has been some relaxation of policy in recent years towards the LGBTI community. Overall, however, social rights in China have been dominated by the impact of the devastating one child policy and the concomitant controls on family planning, the restrictions posed by the household registration system and the authorities' antipathy towards any kind of social activism. The state intrudes into every area of family life: how many children you can have, whether you can get married, whom you marry and where you may live and work. In response to demographic pressures family planning restrictions are being relaxed, but human rights concerns with policy implementation continue. It also remains extremely difficult for social activists to challenge other areas of social attitudes and policy, including towards the rights of women and children.
12. As China spreads its influence overseas it uses many of the tools it has honed at home. An insidious and seemingly widespread habit is for Chinese diplomats to contact people who attend, plan to attend, or speak at meetings which criticise China and intimate serious consequences. These interventions are usually directed at persons with some influence or status and who may know little about China. Sensitising those in the public sphere to the risk and encouraging them to push back against such intimidation should be a priority. Of, perhaps, greater concern is the consequences Chinese students, scholars and official visitors fear they may face from those who report back on the content of discussions in the UK to the Chinese embassy. British universities and organisations need UK government support to investigate and publicly counter such challenges to academic freedoms in this country⁷.

Fear and the Deprivation of Liberty

13. The threat that you may be arbitrarily deprived of your liberty and face ill treatment in detention sustains the fear that prevents many people in China from speaking out.

⁵ <https://www.nytimes.com/2017/01/18/world/asia/china-chief-justice-courts-zhou-qiang.html>

⁶ <https://www.axios.com/china-diplomacy-twitter-7a6b8287-f7f0-4dc1-be8a-0eb146b111bc.html>

⁷ <https://www.parliament.uk/business/committees/committees-a-z/commons-select/foreign-affairs-committee/news-parliament-2017/autocracies-and-uk-foreign-policy-evidence-17-191/>

Decades of internalising worries about what the police can do to you or your family result in a grudging tolerance of the status quo. Many people, particularly among China's urban middle class, are largely satisfied with life in China. Limits on freedom of expression, including the crucial right to know, leave many Chinese ignorant of how the state treats its foes. A young Chinese woman activist we know described how lawyer friends from her university days said they would have refused to believe that the police had detained five young feminists⁸ except that they had learnt of it from her.

14. The Chinese state's use of detention departs significantly from international norms: the extensive use of administrative measures, frequent resort to incommunicado detention including denying access to lawyers, and lack of transparency. Under administrative detention the state can deprive persons of their liberty without any form of judicial oversight. Aside from fifteen-day administrative detention for minor infractions, the police also use what is known generically as "re-education", but has many different names depending on the specific purpose for which it is being deployed⁹. At the heart of the re-education model is the belief that the experience of 're-education' will transform detainees into new model citizens. The system is discriminatory, detainees are often targeted on grounds of their religion or belief, their ethnicity, political views or social status. The oppressive nature of 're-education' can often amount to psychological torture or cruel, inhuman or degrading treatment. This was the model to which the authorities turned when fashioning its current policy towards Uyghurs in Xinjiang. The Rights Practice believes that the international community should increase the pressure on China to end all forms of re-education style detention.
15. Residential surveillance in a designated location (RSDL) is a measure under China's criminal procedure law. This measure allows the police to detain suspects for up to six months in a location that is explicitly not a registered pre-trial detention facility. The regulations allow the police to deny access by defence lawyers and no independent monitoring of these facilities is possible, leaving detainees open to abuse and the risk of torture. The Rights Practice has monitored the use of RSDL in many cases involving the interrogation of human rights defenders, but it is also known to be widely used by police to circumvent the somewhat stricter protective measures in place in criminal detention facilities. It is clearly intended to coerce detainees into confessing and providing information. The UN has been highly critical of this measure and called for its abolition¹⁰. China's new National Supervision Commission uses a broadly similar approach to initially detain those suspected of corruption.
16. China provides insufficient information about its use of detention and criminal proceedings in general. Relevant data, such as the number of death sentences and executions, may be classified as state secrets while information about court cases may be designated as trial secrets. Although there have been some attempts to increase judicial transparency, including the SPC database which selectively publishes criminal

⁸ <https://www.bbc.co.uk/news/world-asia-china-32166443>

⁹ For example, "compulsory isolated treatment" for drug users and "custody and education" for sex workers.

¹⁰ <https://www.rights-practice.org/News/incommunicado-detention-must-go>

cases, the incompleteness of data and the bureaucratic controls on the release of data make it impossible to assess many of China's claims, including a reduction in the number of executions. Without greater transparency it will not be possible to measure China's progress against the justice-related Goal 16 of the UN's Sustainable Development Goals¹¹.

Chinese human rights defenders

17. China has many social activists, lawyers, scholars and journalists who are unhappy with the status quo and try to raise awareness, challenge and seek accountability for violations of China's own laws and human rights more generally. China's public interest lawyers have successfully challenged discrimination in employment and access to education; overturned miscarriages of justice; sought accountability for the sale of contaminated baby milk powder; raised awareness of the imprisonment and ill treatment of Christian and other faith practitioners, among thousands of other legal cases and actions. These activities contribute to a public understanding of the rule of law and human rights, essential if Chinese citizens are going to build a society based on human rights. These activities also challenge the legitimacy and the impunity of the authorities and powerful businesses.
18. Defending and promoting human rights in China carries significant risks for the lawyers, citizen journalists and social activists who try to speak up for the victims and the vulnerable, sue the authorities or reveal information that undermines the government's own narrative of competence. The Chinese government does not recognise, as they put it, "so-called human rights lawyers"¹² and pursues a policy of criminalising their work. Activities that carry the greatest personal risk are public criticisms of the leadership, one-party rule and policies towards China's border regions: Tibet, Xinjiang and Hong Kong. Those that dare to defend human rights face the constant risk of police harassment of them and their families, arbitrary and incommunicado detention, the risk of torture and other ill treatment and serious criminal charges without the prospect of a fair trial. China has also imposed international travel bans on many lawyers and other human rights defenders which prevent them from travelling overseas for meetings, training and, even, holidays. The NGO China Human Rights Defenders reported that at the end of 2018, 334 HRDs were awaiting trial or forcibly disappeared and 545 HRDs had been convicted and sentenced to prison.
19. On 9th July 2015, the Chinese authorities launched an unprecedented crackdown on China's human rights lawyers. What came to be called the '709' incident saw the detention, albeit often brief, of 276 lawyers across China. While most were released with a warning against legal activism, at least eleven lawyers and paralegals were initially detained six months' incommunicado in "residential surveillance in a designated location" (RSDL, see para 15 above), followed by pre-trial detention and, for some, conviction and imprisonment on charges of state subversion. The '709'

¹¹ <https://sustainabledevelopment.un.org/sdg16>

¹² <https://www.theguardian.com/world/2018/nov/06/china-un-criticism-human-rights-record>

crackdown has had a chilling effect on the legal profession in China with many previously active lawyers now wary of speaking out. Nevertheless, in the face of such repression many lawyers remain socially engaged and are finding new ways to sustain their activism, including representing covid-19 related cases.

20. One of those detained in the '709' crackdown was lawyer Wang Quanzhang. For many years Wang represented some of the most difficult criminal cases, including many Falun gong practitioners. He was also a stout defender of the defence lawyer's privileges in a system which systematically undermines the role of the lawyer. Wang was detained in August 2015, held under RSDL, charged and transferred to a pre-trial detention centre. He was eventually convicted, in a secret trial, for state subversion and given a four-and-a-half-year sentence. On 5th April 2020, Wang was released from prison and, on 27th April, allowed to re-join his wife (who learnt to become a formidable campaigner on behalf of her husband¹³) and son who live in Beijing. On release from prison many Chinese human rights defenders continue to live under intrusive police surveillance in a state, described by expert China scholar Professor Cohen as "non-release release"¹⁴. Wang's situation will need close monitoring by the UK and other sympathetic governments to ensure that he and his family have the space to rebuild their lives.
21. The '709' cases reveal several disturbing features of the way China operates against its foes: the targeting of lawyers and others with influence, the early use of incommunicado detention (RSDL), the pressure on detainees to confess, denial of access to defence counsel, the use of televised involuntary confessions, reports of forced medication and psychological pressure, police harassment of family members, and lack of transparency. Most of these measures violate China's own laws and regulations. They are all contrary to international law and China's obligations, notably under the UN Convention Against Torture. Women human rights defenders may be targeted as much as men and are equally subject to detention and ill treatment.
22. Not all human rights defenders in China enjoy the same public profile as many of the lawyers. Space does not allow us to provide details of all the human rights defenders currently detained in China. We highlight here the case of the 'Changsha Three' (Cheng Yuan, Liu Dazhi and Wu Gejianxiong) since one of this group is well known to us at The Rights Practice. The detainees, civil society activists, were working for Changsha Funeng, an organisation founded to defend the rights of disadvantaged persons, including the right to health and non-discrimination. Cheng Yuan visited the UK in 2014 to study public participation in policy making at the invitation of The Rights Practice¹⁵. He and two colleagues were detained on 22nd July, 2019 and have been subjected to the same treatment as the '709' cases: incommunicado detention, denial of access to own lawyers, harassment of family members and a secret criminal process. A joint letter from six different UN Special Procedures was sent to China's ambassador requesting further information, including on the physical and psychological integrity of those detained and, more generally, "what measures have been taken to ensure

¹³ <https://madeinchinajournal.com/2019/04/18/accidental-activists%E2%82%BF-resistance-709-wives/>

¹⁴ <http://www.jeromecohen.net/jerrys-blog/the-many-faces-of-non-release-release-in-china>

¹⁵ <https://www.rights-practice.org/News/ngo-workers-detained>

that human rights defenders in China are able to carry out their peaceful and legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort". The letter is now public and the reply from China is being translated from Chinese¹⁶.

23. We would like to see the UK maintain and increase its support for the vital work of Chinese, and other, human rights defenders. We welcomed the July 2019 document on UK Support for Human Rights Defenders¹⁷. We also welcome its translation into Chinese although it is unclear if it has been widely disseminated and if thought has been given to being able to meet increased expectations. In our submission to the July 2019 inquiry by the Foreign Affairs Committee into Human Rights: Freedom of Religion and Belief and Human Rights Defenders we called for formal recognition of the mental health toll on human rights defenders and recommended practical support for temporary relocation for respite purposes¹⁸. We hope the Commission will consider the recommendations in our submission and encourage the British government to demonstrate leadership in addressing the mental health and well-being concerns of HRDs.

Xinjiang Uyghur Autonomous Region (XUAR)

24. The Rights Practice understands that the Commission will be receiving several submissions focussing on the situation in XUAR and, for this reason, this submission does not set out the extensive evidence of largescale human rights violations in the region. Our key concerns are the arbitrary detention of at least one million Uyghur and Turkic minorities placing them at high risk of torture and forced labour¹⁹. China's policies in Xinjiang are targeted at the practice of Islam and the dismantling of a rich and ancient culture.
25. It is important to note that the use of so-called vocational education and training in "transformation through education" camps in the XUAR is taking place outside China's own law and the criminal justice system²⁰ despite China's arguments that the detentions are lawful. China is trying to build a justificatory narrative of 'de-extremification' and counter-terrorism to secure international support for its actions in XUAR. China is particularly active at the United Nations in trying to promote its position, but it is also advancing this narrative through its Belt and Road Initiative and in forums such as the Shanghai Cooperation Organisation. It is essential that the UK and other like-minded governments build more far-reaching international support to resist China's attempts to undermine hard fought for norms on freedom of religion and belief, counter-terrorism strategies that respect human rights, and freedoms from arbitrary detention, torture and forced labour.

¹⁶ <https://spcommreports.ohchr.org/TmSearch/Results> AL.CHN 22/2019

¹⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819299/UK-Support-for-Human-Rights-Defenders.pdf

¹⁸ <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/foreign-affairs-committee/human-rights-freedom-of-religion-and-belief-and-human-rights-defenders/written/106182.pdf>

¹⁹ See for example, ASPI: *Uyghurs for Sale* <https://www.aspi.org.au/report/uyghurs-sale>

²⁰ <https://www.chinalawtranslate.com/what-whitepapers-on-xingjiang-say-about-detention/?lang=en>

26. There is evidence that international pressure has led to the release of some detainees from the “training” camps. There seem to be three principal destinations for those released: prison, involuntary labour in XUAR or elsewhere in China, and poverty alleviation projects²¹. The UK can demonstrate leadership in ensuring that the government’s commitment to end modern slavery is real by responding positively to initiatives such as the one, led by GLAN and WUC, to end the importation of goods made in prison-like conditions²². The UK should also respond positively to the call by the Investor Alliance for Human Rights that countries put in place regulatory measures for mandatory due diligence by businesses on human rights²³. At the very least the government should implement in full the recommendations of the independent review of the 2015 Modern Slavery Act²⁴ with stronger reporting requirements and sanctions for non-compliance.

Hong Kong

27. Respect for human rights on the ground in Hong Kong has deteriorated in recent years as China has increased its influence undermining One country Two systems. The Rights Practice, like many other organisations in the UK, has been observing these developments with concern. The UK’s legal and moral responsibilities for Hong Kong require a response from all of us. We have been dismayed to see how fear of the police knock on the door in the middle of the night is no longer limited to the mainland of China, but is now a reality in the Special Administrative Region.

28. We share the concerns of many organisations at the policing of recent protests against the proposed Extradition Law and echo calls for an independent inquiry. It is of particular concern that some of the police implicated in violence towards protestors are British citizens²⁵.

29. Our conversations with representatives of Hong Kong civil society organisations have highlighted the need they have for moral and practical assistance in building a democratic culture in Hong Kong. We would welcome increased financial support for these vibrant groups, particularly the groups that are promoting public participation in politics and decision-making. Support should also be given to local groups planning to monitor the upcoming elections to Legco and to encourage the professional development of young leaders on the district councils and in civil society organisations. China is trying to present the unrest in Hong Kong as a result of foreign interference. This patently absurd argument must be rejected and the voice of Hong Kongers amplified.

²¹ Zenz, Adrian. “Beyond the Camps: Beijing’s. Grand Scheme of Forced Labor, Poverty Alleviation and Social Control in Xinjiang”. Dec. 2019 <https://osf.io/preprints/socarxiv/8tsk2>

²² Global Legal Action Network (GLAN) <https://www.glanlaw.org/uyghur-forced-labour>

²³ <https://investorsforhumanrights.org/news/investor-case-for-mhrdd>

²⁴ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/803406/Independent_review_of_the_Modern_Slavery_Act_-_final_report.pdf

²⁵ <https://www.thetimes.co.uk/article/hong-kong-protesters-turn-ire-on-british-officers-after-clashes-with-police-over-china-extradition-bill-frg8b3hg3>

Freedom of Expression and Surveillance

30. The coronavirus pandemic has illustrated the impact of China's restrictions on freedom of expression, including the flow of information. The majority of China's human rights defenders and social activists are punished for attempting to share information that is deemed politically sensitive. The sad story of Dr Li Wenliang in Wuhan is well known. Despite China's attempt to recruit Dr Li as a national hero and reprimand the local police for their heavy-handed behaviour in censoring any differently. The transmission of potentially sensitive information that has not been officially authorised is not allowed. A policy priority for the UK should be exploring how to effectively increase the pressure on China for greater transparency and freedom for its citizens to share information.
31. The human rights impact of measures to control coronavirus infections are a matter of concern in many countries. Whether they are proportional and will be lifted when no longer necessary remains to be seen. The Health App introduced in many cities in China is largely welcomed by citizens as it allows most persons to access public transport, places of work and restaurants. It will be important to monitor whether such intrusive types of surveillance end once there is no longer a significant health risk. There are significant implications for the digital tech sector in Britain from China's appetite for digital technologies. The commercial and scientific opportunities from engaging with China are significant, but the UK government must ensure that the country's tech sector, including university departments, is fully cognisant of the human rights (and security) risks from cooperation with a surveillance state. Mandatory human rights due diligence would be one step to mitigate these risks.

Impact on British and other citizens

32. In 2015, Swedish citizen, Gui Minhai was abducted in Thailand and brought to China. After long periods in detention and being taken away in front of Swedish diplomats, Gui was sentenced in February 2020 to 10 years in prison; his real crime seems to have been publishing books on the Chinese leadership. His case exemplifies China's disregard for international fair trial principles and diplomatic norms²⁶. The case has led to a marked deterioration in Sweden's relations with China; Gui's daughter was a graduate student in the UK. Following the arrest, at the request of the US government, of Huawei's Chief Financial Officer (and daughter of the founder), Meng Wanzhou, by Canada in December, 2018, China detained Canadians, Michael Kovrig and Michael Spavor. Initially held in RSDL, the pair were subsequently charged with spying. Although they have been allowed consular visits they have been denied meetings with lawyers. Their treatment contrasts with that of Meng whose bail conditions allow her to live in her Vancouver mansion²⁷. Another Canadian, Robert Schellenberg, was given a 15-year sentence for drug crimes in 2016. At a retrial in January 2019, the court, in an unprecedented decision, increased his sentence to the death penalty²⁸.

²⁶ <https://www.bbc.co.uk/news/world-asia-china-51624433>

²⁷ <https://thediplomat.com/2019/12/the-cruel-fate-of-michael-kovrig-and-michael-spavor-in-china/>

²⁸ <https://www.rights-practice.org/Handlers/Download.ashx?IDMF=90e3b1e6-1a56-4cfa-8911-3c262bd731a3%20>

33. Corporate investigators Briton Peter Humphrey and his American wife were imprisoned in China in 2013 on charges of illegally trading in personal information. While imprisoned Humphrey was required to make a confession on Chinese television²⁹. We share Mr Humphrey's concern that CGTN, China's global television network, has broadcast his and similar confessions made under duress to audiences in the UK and look forward to the outcome of the Ofcom investigation. Televised confessions, as part of a criminal process, are contrary to the principles of a fair trial and are, almost, inevitably associated with coercion and likely to be contrary to the obligations of both China and the UK as states parties to the UN Convention Against Torture.

United Nations

34. The United Nations is an important platform for China as it seeks to assert its interests at an international level. Of particular concern is the effort China is putting into seeking support for its actions in Xinjiang. China is determined to frame its behaviour in terms of "de-extremification" and counter-terrorism. A joint letter to the Chinese government from twelve of the UN's Special Procedures was published on 1 November 2019. The letter was highly critical of China's Counter Terrorism Law and its implementing measures for Xinjiang. The letter is an important benchmark in signalling the United Nations' concerns and we hope it will continue to inform UK policy. We welcome the UK's interventions at the UN on the situation in Xinjiang and other human rights concerns in China. We very much hope the British government will continue to identify every opportunity to speak out on Xinjiang; we hope that statements on China will also name individuals who are at risk of ill treatment.

35. China is engaging in a long-term campaign to influence UN human rights institutions through personnel appointments, policy making and controlling access by civil society to UN premises and institutions. It has long played a dominant role on the sub-committee which approves consultative status for NGOs at the UN. Several British NGOs have had their application for membership delayed or challenged by China due to their work. In 2018 China pressured UN security to deny Uyghur Dolkun Isa access to UN premises in New York for unspecified security concerns and threatened to revoke the consultative status of NGO, Society for Threatened Peoples³⁰ which was supporting Mr Isa. China had also been instrumental in Interpol issuing a red notice for Mr Isa, since deleted³¹. China is currently trying to build support for a less critical approach by the Human Rights Council to monitoring the human rights records of Member States. It has been working hard to secure support for a resolution it has drafted on "mutually beneficial cooperation"³². While this may sound anodyne a close reading reveals the risks China's so-called "win-win" approach would pose to the ability of the UN to scrutinise the records of other member states³³. It is vital that the UK continues to use its influence at the UN to oppose these moves to weaken UN

²⁹ <https://www.theguardian.com/media/2019/may/08/ofcom-investigating-chinese-channel-cgtn-forced-confession-claims>

³⁰ <https://chinachange.org/2018/07/10/china-fails-in-its-gambit-to-use-the-un-ngo-committee-to-silence-the-society-for-threatened-peoples-and-uyghur-activist-dolkun-isa/>

³¹ <https://www.fairtrials.org/news/interpol-deletes-red-notice-against-persecuted-uyghur-dissident-dolkun-isa>

³² <https://undocs.org/en/A/HRC/43/31>

³³ <https://www.abc.net.au/news/2020-02-20/china-trying-to-rewrite-human-rights-australia-must-resist/11961268>

mechanisms and works constructively to build support among other countries to withstand Chinese pressure.

36. The 2019 report of the UN Secretary General on Cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/42/30) reports that several Chinese activists, human rights defenders and lawyers had reported to OHCHR that they had been targeted for attending training sessions, including with United Nations staff, or engaging with the human rights mechanisms. Staff members of the NGO, China Human Rights Defenders were similarly intimidated and harassed³⁴.

Next Steps

37. China appears to give the impression that it cares little for what the rest of the world thinks, the evolution in China's approach in Xinjiang certainly indicates otherwise. We need effective, sustained and principled multilateral and international engagement to challenge China's narrative, deepen support for universal norms and require respect for human rights in China. The narrative and communication of messages will be important.
38. The Rights Practice does not support disengagement from China, but we would like to see official and officially-supported engagement rebalanced to incorporate more of what we may call unofficial China. Chinese civil society offers a long-term hope for change and should be more generously supported to grow in a very difficult environment. UK universities should be open to Chinese students, but there needs to be pushback against all attempts to undermine academic freedoms and openness. Countering disinformation by China whether it is in the UK, in Europe, Asia or in China itself needs to be a new priority.
39. There is greater awareness now of the risks China poses to human rights at home and around the world. This provides an opportunity for change. The key challenge for governments, such as the UK, is to identify policy tools that will have an impact in dissuading China from pursuing certain actions or in supporting those in China and Hong Kong who are trying to build a more democratic and human rights culture.

³⁴ <https://www.ohchr.org/EN/Issues/Reprisals/Pages/ReprisalsIndex.aspx> 2019 SG report on reprisals: Cooperation with the United Nations, its representatives and mechanisms in the field of human rights (A/HRC/42/30) paras 45 - 46