

Third Cycle

Thirty-First Session of the UPR

UPR submission on China

Submitted by Society for Threatened Peoples

Contact name: Mr. Ulrich Delius

Contact phone: +49 551 49906 27

Email: asien@gfbv.de

Fax: +49 551 580 28

I. Introduction

1. This submission is made by Society for Threatened Peoples (STP) for the Universal Periodic Review of China in November 2018. In this submission, STP reports on China's unwillingness to implement the recommendations made during the 2nd cycle in 2013 and the ways in which it continues to suppress the rights of ethnic and religious minorities and democracy campaigners.
2. STP has identified several aspects of concrete fundamental rights violations. Since China's President Xi Jinping came to power, the situation of Tibetans, Uyghurs and Mongolians as well as democracy campaigners has worsened. The freedom of religion, movement, information and political activity have been further curtailed by the Chinese government.
3. China's increasing influence is also affecting those who fled China in order to seek safety abroad, e.g. the Uyghur human rights campaigner Dolkun Isa or the Tibetan community in Switzerland.
4. The report ends with recommendations to China on how to address the human rights issues mentioned in this report.

II. Relevant 2nd cycle UPR recommendations to China

1. During its 2nd UPR in 2013, China has accepted several recommendations regarding the promotion of human rights in China, e.g.:
 - i. 186.62. Ensure that human rights defenders can exercise their legitimate activities, including participation in international mechanisms, without being subjected to reprisals (Switzerland);
 - ii. 186.63. Continue its constructive and cooperative dialogue with the UN human rights system (Azerbaijan);
 - iii. 186.84. Fully protect the legitimate rights and interests of ethnic minorities, women, children, the elderly and disabled persons (Central African Republic);
 - iv. 186.138. Take the necessary measures to ensure that the rights to freedom of religion, culture and expression are fully observed and protected in every administrative entity of China (Poland);
 - v. 186.167. Refrain from impeding civil society and respect its international obligations on the right to freedom of peaceful assembly.

III. Failure of implementation of 2nd UPR cycle recommendations

A) Restrictions on freedom of religion

1. On February 1, 2018, new laws on religion came into force in China. The religious authorities recently ordered the Catholic communities in Inner Mongolia and Shanxi Province not to offer any recreational camps for young people any more. The authorities informed the parishes that church activities are now under state control, and that events like this may only take place at registered leisure centers. Christians risk being prosecuted if they contact Christians abroad without the state being involved – or if the religious communities fail to inform the authorities about their funds in sufficient detail. The United Front Work Department of the Communist Party warned the Catholic communities not to offer retreats in camps, low-priced hotels, or youth hostels. Such camps would now be considered as “illegal religious activities”, punishable by fines or even imprisonment, the officials stated. According to a religious law from October 2016, just about every form of religious practice can be restricted or prohibited under the pretext of “interference of external powers” or “secessionism”.
2. In 2017, the Chinese authorities of deliberately kept the Uyghur population from fasting during Ramadan, thereby violating the religious freedom of the Muslim minority. Uyghurs who work for state authorities were forced to sign a statement that they themselves and all their family members and friends will ignore the fasting rules of Ramadan. In some districts, Chinese party leaders were even supposed to check on Uyghur families to see whether they eat daytime meals. Restaurants in the autonomous region of Xinjiang were forced to open and offer food, and there were house searches – especially at night – to track down fast-breaking Uyghurs and to punish them.
3. The Chinese government wants to limit the influence of the Dalai Lama and Tibetan Buddhism at all costs. The abduction of the Panchen Lama on May 17, 1995, was a massive violation of the religious freedom of the Tibetan people. Until today, his whereabouts are unknown. From August to December 2016, 5,100 monks and nuns were expelled from the Buddhist monastery and teaching center Larung Gar in Sichuan Province, which was partly destroyed by the authorities. Every monk and nun will now have to pass a political entrance examination and submit a request for resettlement to Larung Gar to the “United Front Work Department. Most of the nuns and monks who were expelled on Christmas day, December 24, 2016, were from the Tibetan Autonomous Prefecture of Golog in Qinghai Province. They were taken to a provisional detention center by buses and military trucks. At the same time, their approximately 400 houses in Larung Gar were destroyed by bulldozers.
4. The persecution of the Falun Gong practitioners has claimed several thousand lives, due to torture in prison or suicide, especially in the early years of the persecution that started in 1999. Dozens of Falun Gong practitioners are still being arrested every month. They are facing harsh punishments: at least 1,050 followers of the meditation movement have been sentenced to up to 12 years imprisonment since January 2013.

China's security forces are systematically monitoring anyone who is suspected of supporting Falun Gong, also using video cameras. In addition, movement data from mobile phones are evaluated in order to initiate new criminal proceedings against the Falun Gong supporters

B) Restrictions on freedom of movement and increased surveillance

1. In recent years, it has become more difficult for Tibetans to obtain travel documents. This development can be observed both inside and outside China. The International Campaign for Tibet and Human Rights Watch identified serious restrictions on the freedom to travel of Tibetans living in the People's Republic of China.¹

Since 2012, many Tibetans have been unable to leave the Tibetan Autonomous Region as they do not possess the necessary travel documents. In January 2017, China's authorities systematically kept Tibetan people from taking part in Buddhist teachings of the Dalai Lama in India. Tibetan people are intimidated and threatened with punishment if they even considered traveling to Bodh Gaya in the Indian state of Bihar to take part in the 34th Kalachakra mediation teachings of the Dalai Lama. Many passports were confiscated.

2. In Xinjiang, since 2017 all vehicle owners have to equip their vehicles with a GPS-device so that they can be located any time. Anyone who does not comply with the provision has to pay a fine and will be rejected at petrol stations. Further, the authorities decided that, as of August 21, 2017, the data of all Uyghur and Kazakh vehicle owners are specifically recorded and checked by the vehicle registration authorities. According to Chinese press reports, in 2015 the Ministry of State Security initiated the development of a comprehensive face recognition system that is able to identify every single one of China's citizens within three seconds. The software is already supposed to have a success rate of 90 percent.

C) Restrictions on freedom of information

1. China's security agencies are systematically blocking the free flow of information on the Internet with draconian penalties, and by arbitrary bans on critical websites. Anyone who dares to spread information e.g. on self-immolation of Tibetans as a form of protest against China's treatment of its Tibetan citizens might be facing several years in prison. According to the Chinese state media, around 10 million

¹ International Campaign for Tibet, «A policy alienating Tibetans.» The denial of passports to Tibetans as China intensifies control, ICT Special Report, 13.07.2015. <https://www.savetibet.org/a-policy-alienating-tibetans-the-denial-of-passports-to-tibetans-as-china-intensifies-control/>.

Human Rights Watch, One Passport, Two Systems. China's Restrictions on Foreign Travel by Tibetans and Others, 13.07.2015. <https://www.hrw.org/report/2015/07/13/one-passport-two-systems/chinas-restrictions-foreign-travel-tibetans-and-others>.

Internet users were blocked, and about 13,000 websites were banned since 2015. China's state security agencies are trying to create the impression that the bans were merely meant to get rid of pornography or depictions of violence. However, thousands of the websites in question had in fact provided information about human rights violations, or aimed to propagate democracy and the rule of law. China's government is propagating total control of the Internet by national authorities all over the world.

2. In Xinjiang, the measures against internet freedom are especially harsh. Over the past seven years, more than a dozen Uyghur webmasters were arrested and sentenced to long prison terms. Their only crime was to use the internet to spread information that the Chinese authorities wanted to keep under lock and key.

D) Persecution of human rights campaigners within China

1. In February 2016, the renowned "China Human Rights Defenders Network" stated that the human rights situation in China had deteriorated significantly in 2015. More than 700 human rights defenders were detained in the People's Republic for more than five days in 2015.
2. In 2017, Nobel Peace Prize winner Liu Xiaobo was not allowed to leave China to be treated by specialists abroad. After his case of severe liver cancer had become known, several specialists from all over the world had offered to try and save Liu Xiaobo's life. However, the Chinese authorities chose to ignore all those offers and the requests that the Nobel Peace Prize winner should be allowed to leave the country. Liu Xiaobo died in July 2017, shortly after having been released from prison. His wife Liu Xia remains under house arrest.
3. The Uyghur economics professor Ilham Tohti Today was sentenced to life imprisonment for alleged "separatism" in a show trial in 2014. The authorities had put pressure on his students for months, as an attempt to collect allegedly incriminating material to silence the unwelcome critic. Tohti had set up websites to inform the Chinese people about human rights violations against the Uyghurs.
4. The Mongolian human rights campaigner and bookseller Hada has repeatedly suffered on the hands of the Chinese state. In total, Hada was incarcerated for 19 years for his activism on behalf of ethnic Mongolian herders. His wife Xinna said in September 2017 that a group of ethnic Mongolian herders seeking advice over a land dispute were turned away from his home by state security police in February 2018. The forced settlement of hundreds of thousands of Mongolian nomads is widely criticized by Mongolians.

E) Persecution of human rights campaigners and ethnic and religious minorities abroad

1. Tibetans in Switzerland are currently facing increasing restrictions on their freedom to travel. In order to obtain travel documents, Tibetans with B, C and L permits are forced to contact the Chinese embassy. There are documented cases where applications to obtain certificates of origin have been rejected without giving further explanations. On the other hand, the Swiss authorities are only accepting direct written proofs, why these applications have been rejected. These proofs are difficult to obtain and therefore, some of the applicants remain without valid travel documents and are unable to leave Switzerland. Furthermore, STP knows of documented cases where Tibetan applicants have been intimidated by Chinese authorities. This is one of the main reasons many Tibetans avoid contacting the Chinese embassy directly and therefore remain without the necessary certificates of origin.

In Switzerland, it has not always been possible to express concern about the human rights situation in the Tibet Autonomous Region and adjacent regions where Tibetans live. For example, the Swiss government restricted the freedom of speech in the context of Chinese President Xi Jinping's visit to Bern in January 2017. While a China-friendly manifestation was allowed to receive Xi Jinping in front of the federal parliament, a demonstration led by Tibetans was only allowed at a safe distance and during off-times. Furthermore, a peaceful manifestation by young Tibetans was stopped by a disproportionately harsh police intervention.

Furthermore, a peaceful protest action organised by Tibetan Youth during the Chinese Mid-Autumn Festival in 2014 was violently suppressed by Chinese security forces.² In addition, Chinese authorities repeatedly and sometimes successfully attempt to control and influence the activities of the Tibetan community in Switzerland. During visits of the Dalai Lama or of the President of Central Tibetan Administration, the organizers of the events are exposed to Chinese pressure. For example, the Chinese Consulate urged the members of the Zurich City Council to refrain from a personal meeting with the Dalai Lama.³ Two council members asked the executive authorities to take part in the Dalai Lama's visit to Grossmünster. After initial hesitation, the request was accepted.⁴

Another example on how Chinese authorities are trying to influence Swiss politics was the intervention of the Chinese authorities in the context of Sechseläuten 2017.⁵

² Klee, Matieu, Chinesische Sicherheitskräfte unterbinden Tibet-Protest, SRF, 08.09.2014.
<https://www.srf.ch/news/regional/basel-baselland/chinesische-sicherheitskraefte-unterbinden-tibet-protest>.

³ Zeier, Dominique, Chinesen üben Druck auf Zürcher Stadtrat aus, Neue Zürcher Zeitung, 29.09.2016.
<https://www.nzz.ch/zuerich/aktuell/chinesen-ueben-druck-auf-zuercher-stadtrat-aus-id.119566>.

⁴ Zeier, Dominique, Zürcher Stadtrat trifft Dalai Lama nun doch, Neue Zürcher Zeitung, 10.10.2016.
<https://www.nzz.ch/zuerich/aktuell/friedensgebet-im-grossmuenster-stadtrat-trifft-dalai-lama-nun-doch-id.121234>.

⁵ Meier, Martin, Der lange Arm der Chinesen reicht bis ins Glarnerland, in: Südostschweiz, 9.5.2017, S. 3.

As a guest canton at the Zurich Sechseläuten in 2017, the canton Glarus was invited to take part in the parade and the representatives decided to explicitly invite Tibetans and Swiss of Tibetan origin to join the parade. Subsequently, the Chinese Consulate intervened. The Consulate, however, failed to change the opinion of the Glarus government.

Another aspect of Chinese influence concerns the control and surveillance of the Tibetan diaspora. For example, intimidation strategies against critical human rights activists were revealed, particularly at the UN Human Rights Council.⁶ The case of the Tibetan monk Golog Jigme exemplifies this. Golog Jigme was arrested by the Chinese authorities following the production of a documentary film on the situation in Tibet in the run-up to the 2008 Olympic Games. Between 2008 and 2012, Golog Jigme was arrested three times and brutally tortured in prison. In 2012, he managed to flee. Finally, this led him to Switzerland. However, the Chinese authorities continue to pursue the activist. When Golog Jigme was in the UN building in Geneva in March 2015 to testify at the Human Rights Council, he was shadowed and photographed by the Chinese diplomat Zhang Yaojun.⁷ Zhang denied the accusations.

However, Golog Jigme was also under surveillance outside the UN, as he reported to the STP. When he was at the park behind Zurich's main station in June 2016, he noticed that a man was hiding behind the trees and took numerous photos of him. When Golog Jigme and two friends who were with him walked to the photographer, he immediately hid his camera and fled. Golog Jigme suspects that the Chinese photographer was a spy. These incidents do not comply with China's commitment at the UN Human Rights Council in 2013, as China accepted the aforementioned recommendation number 186.62., made by Switzerland. Not only Golog Jigme became the target of surveillance attempts. In its recent investigations, STP has received various information suggesting that the Tibetan diaspora is being surveyed in Switzerland. Different sources suggest that activists are photographed at demonstrations and that the Tibetan community - also in Switzerland - is under digital surveillance.

2. In 1996, China submitted a so-called "red notice" to INTERPOL in order to criminalize the Uyghur human rights campaigner Dolkun Isa, who since 2006 has been a German citizen. Such a "red notice" serves to inform other INTERPOL member countries that a warrant has been issued, but it does not include any information about whether the person concerned is actually guilty of anything. In February 2018, Isa was informed that INTERPOL had deleted the "red notice" since Isa had not committed any crime and was criminalized by the Chinese government because of his peaceful campaign for human rights of Uyghurs in China. Several Chinese authorities in

⁶ Human Rights Watch, The Costs of International Advocacy. China's Interference in United Nations Human Rights Mechanisms, 5.9.2017. <https://www.hrw.org/report/2017/09/05/costs-international-advocacy/chinas-interference-united-nations-human-rights>.

⁷ Wee, Sui-Lee und Stephanie Nebehay, At U.N., China uses intimidation tactics to silence its critics, Reuters, 06.10.2015. <https://www.reuters.com/investigates/special-report/china-softpower-rights/>.

Germany have demanded the WUC-office to be closed down – and an expulsion of its employees to China. However, both the German constitution protection and the German state police confirmed that the WUC and its employees are respecting the German constitution.

IV. Recommendations for China

1. Society for Threatened Peoples calls on the government of the People's Republic of China to:
 - i. Respect basic rights such as the freedom of religion, information, movement and assembly.
 - ii. Release political prisoners such as the economics professor Ilham Tohti.
 - iii. End its policy of show trials during which the prosecuted have no real chance of defending themselves.
 - iv. Stop harassing and monitoring human rights campaigner within China and abroad.
 - v. Allow the UN special rapporteur for religious freedom and freedom of belief unhindered access in order to evaluate the state of religious freedom in China.
 - vi. Ratify the International Covenant on Civil and Political Rights.
 - vii. Acknowledge the Tibetan, Mongol and Uyghur culture and ensure the survival of the Tibetan, Mongol and Uyghur languages by providing language education in these languages.