



16 April 2020

The Honorable Elisabeth Tichy-Fisslberger
President of the Human Rights Council, Fourteenth Cycle (2020)
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais Wilson
52 rue des Pâquis
CH-1201 Geneva, Switzerland

Dear President Tichy-Fisslberger,

We, the undersigned individuals, represent a myriad of religious, economic, intellectual, and political backgrounds, who collectively strive to promote and protect fundamental human rights as well as the international standard of freedom of religion or belief. We would firstly like to recognize your dedication to human rights leadership, which is both admirable and timely amidst the outbreak of a global pandemic. It has come to our attention that China has been nominated and selected for a one-year mandate as a member state of the United Nations Human Rights Council (UN HRC) Consultative Group, a group consisting of five UN member states whose ultimate purpose is to review applications and suggest recommendations to independent UN experts, whom the member states are required to review based on the following six criteria: (a) expertise; (b) experience in the field of the mandate; (c) independence; (d) impartiality; (e) personal integrity; and (f) objectivity.

China is a nation recognized by the broad international humanitarian community to be a routine violator of human rights, most notably: freedom from involuntary servitude; freedom from torture and other cruel, inhuman or degrading treatment or punishment; freedom from arbitrary arrest, detention or exile; freedom from interference with his privacy, family, home or correspondence; freedom of thought, conscience and religion; freedom of opinion and expression and; freedom of peaceful assembly and association.

We find it problematic and reprehensible that a country whose government does not follow international human rights laws nor meets its obligations as a member State of the United Nations should be considered for, let alone chosen as a member of the UN HRC Consultative Group, especially considering its plethora of human rights abuses. A great concern is the possibility that China's own oppressive ideology could be inherently exported into the initiatives and decisions of the United Nations and thus diminish any semblance of impartiality and neutrality. Secondly, we fear that China could use this new power to preferentially nominate and approve experts based on partisanship and nepotism rather than on their human rights expertise and objectivity. In short, China will have the power to nominate experts that will investigate China's own human rights record- introducing bias into the United Nations human rights review procedures. Finally, we are concerned that this action will create a precedent in which China's historical human rights abuses will continue to be overlooked in favor of ensuring its inclusion and participation in the United Nations' future initiatives.

Among the experts that China will have a voice in vetting and choosing are three new members of the UN Working Group on Arbitrary Detention. We wholeheartedly believe that China should have no say in such

a decision given its historical pattern of detention and disappearance as a means to eradicate political dissent among scholars and humanitarian activists. In 2018, Chinese human rights lawyer Yu Wensheng was arbitrarily detained and his attorney status revoked. A year later, the UN Working Group on Arbitrary Detention released its decision that “there was no legal basis for the arrest and detention of Mr. Yu, and his deprivation of liberty is arbitrary under category I.” It is completely impermissible that China should have the authority to choose experts for the UN Working Group on Arbitrary Detention, which has historically been involved in condemning and classifying China’s acts of arbitrary detention and deprivation of liberty. Such a drastic oversight has the potential to eliminate the credibility and distort the purpose and mandate of the Working Group and allow China to avoid any investigations into its own deplorable human rights record.

Another one of the 17 appointments that the UN Human Rights Council Consultative Group will choose is the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. Freedom of opinion and expression is regularly violated in China; students, scholars, organizations, and activists who publicly proclaim views contrary to the CCP face imprisonment and exorbitant charges. 2019 saw the noteworthy arrests of three individuals: Zi Su of Chengdu for his article questioning the sustainability and adequacy of President Xi Jinping’s leadership of the CCP; activist Huang Xiaomin, also of Chengdu, for his promotion of direct elections for CCP leadership positions, and; Chen Yunfei for his online support of Hong Kong’s anti-extradition protests. A nation who unabashedly imprisons individuals for their valid beliefs and critiques of the government should not be authorized to have the power of choice over the selection of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

Amidst the persistent and unmitigated spread of the novel coronavirus, which originated in Wuhan, Hubei Province, China, we also find it extremely inappropriate and unacceptable that China be involved in the vetting and selection process for the new Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. In December 2019, ophthalmologist Dr. Li Wenliang of Wuhan Central Hospital, the initial “whistle-blower” regarding the novel coronavirus, warned a small group of his friends about the emergence of a SARS-like virus among a few of his patients. After his warning was spread to the mass public, he was severely reprimanded by the Wuhan Public Security Bureau for spreading ‘false information’ online and causing public concern. He was among eight other doctors in Wuhan who similarly began warning close individuals about the suspicious new cases and who were condemned as “rumormongers.” China had the sufficient time and capability to respond to the outbreak before it gained momentum and cost many Chinese citizens their lives before being exported to nearly every nation in the world, save for a few countries in South America and Africa. China’s refusal to acknowledge the rise of COVID-19 and subsequent refusal to acknowledge its responsibility for the prevalence of the new pandemic exhibit its failure to prioritize public health and therefore disqualifies China as a suitable member of the UN HRC Consultative Group.

Such an appointment comes as a surprise to us as well, considering the already-strained relationship China has with the United Nations and its selected rapporteurs and representatives. In December 2019, UN Human Rights Chief Michelle Bachelet wrote an article that the use of force by Chinese police against Hong Kong protesters is extraneous and should be investigated. In response, China claims her statements include “inappropriate comments on the situation of the Hong Kong Special Administrative Region” and “interferes in China’s internal affairs.” Moreover, when 23 United Nations member states supported a statement in October 2019 denouncing the detention of Uyghurs and other ethnic Muslim communities in Xinjiang, China’s Foreign Ministry Spokesperson Geng Shuang urged the United States and United Kingdom to “stop interfering in others’ domestic affairs under the cover of human rights...” How can a nation that accepts no criticism of its human rights record and refuses to address the mass imprisonment of millions of citizens for no reason other than their ethno-religious background be a legitimate and reliable leader in the UN Human Rights Council Consultative Group? In addition, China is included in the 2019 UN Secretary-General report on intimidation and reprisals for cooperation with the UN in the field of human rights. It is absurd to have a country who targets activists and human rights defenders who engage with United Nations human rights mechanisms to then be allowed to have influence over those mechanisms which they have been working against.

It is with the above objections in mind that we condemn the designation of China as a member of the UN Human Rights Council Consultative Group. We ask that if the position cannot be reconsidered, that you as President take note of these voiced concerns during China's one-year term, as you review upcoming proposed candidates by the UNHRC Consultative Group, to ensure the priorities suggested by the group are in line with the commitments of the Council. We ask that you be prepared, as President, to not follow the priority suggested by the group if there is any risk that the expert will be partial or restricted to speak freely, to ensure the integrity and credibility of the Human Rights Council and the future of international human rights.

Respectfully signed with great appreciation for your attention to these matters,

Organizations

AdvanceUSA

Advocates International

Americans for Democracy & Human Rights in Bahrain

Bitter Winter

Center for Civil Liberties (Ukraine)

Center for Pluralism, Washington, DC

China Aid Association

Christian Freedom International

Church of Scientology National Affairs Office

Coordination des Associations et des Particuliers our la Liberté de Conscience

Friends of Falun Gong

Institute on Religion and Democracy

International Campaign for the Rohingya

International Christian Concern

International Christian Foundation for Democracy

Jubilee Campaign USA Inc.

LYN Community

Minh Van Foundation

Save the Persecuted Christians

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