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Statements made by other stakeholders under review at the HRC under item 6 after the adoption of the UPR report

Country: China (February 2009)

Organisation: Human Rights Watch

Date of the statement: 14th HRC Session – 11 June 2010

“Human Rights Watch welcomes the update provided by the Chinese delegation in March 2010, during which its representative stated that” with regard to law enforcement and administration of justice, emphasis has been placed on preventing the extraction of confessions by torture and punishing those responsible for it”. In addition it stressed that “the rights of ethnic minorities are further enhanced”. In May 2010 the government announced its intention to issue two regulations delineating the procedure to invalidate the evidence obtained under torture in cases involving the death penalty. Yet the failure to uphold other rights that underlie the prevention of torture casts doubt whether the government’s latest step will work. Criminal defendants in China still do not have the right to remain silent. Police regularly denies lawyers access to their clients in detention., despite long enshrined legal guarantees that they are entitled to do so. While these new commitments can be welcomed, the real test is whether they will be enforced and supported to actually end the endemic practice of torture in police custody.

The government’s claims regarding the rights of ethnic minorities ,must also be vigorously questioned. Six months after China’s UPR, the first episode of unrest in decades rocked Uighur, the capital of the Xinjiang Uighur Autonomous region. The unrest appears to have been sparked by an attack by Uighurs in the southeast part of the country which served as a rallying cry for Uighurs angry over longstanding



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discriminatory policies in Xinjiang. The initially peaceful Uighur demonstration quickly turned into a violent attack against Han Chinese, leaving scores dead or injured. Instead of launching an impartial investigation onto the July 2009 incidents in accordance with international and domestic standards, Chinese law enforcement agencies carried out a massive campaign of arrests in the Uighur areas of Urumqi, and over the past year, had continued to rely on broad and indiscriminate coercion and intimidation, and preventing any expression of discontent.

In September 2009, the UN High Commissioner for Human Rights identified “discrimination and the failure to protect minority rights as “underlying causes” behind the protests in Tibet and Xinjiang. The Chinese government has not follow through on its own statements at the February 2009 UPR: that it “welcomed Mme Pillay to visit China at the mutually convenient to both sides,” and that it was “also considering inviting another UN Special Rapporteur to visit China this year”. Further repression, whether it be torture of detainees or discriminatory policies against ethnic minorities, will breed precisely the kind of instability the Chinese government fears. Addressing underlying grievances, holding abuse officials to account, and genuinely cooperating with relevant UN bodies will materially contribute to the Chinese government ‘s stated desire for its citizens to “live in happiness and dignity”.