



Oral Statement
March 19, 2014

Item 6 - Adoption of the outcome of the UPR of China

Mr. President,
主席先生：

In light of the March 14 death in Beijing of Cao Shunli, an activist who had tried to participate in China's Universal Periodic Review, Human Rights Watch expresses its grave concern about China's deeply misleading comments regarding freedom of expression, participation in the UPR process, the rights of civil society and lawyers, and respect for the rights of ethnic minorities.

鉴于试图参与中国普遍定期审议的维权人士曹顺利于3月14日在北京过世，人权观察极为关切中国在言论自由、参与普遍定期审议程序、公民社会和律师权利以及尊重少数民族权利等方面所发表的严重误导性意见。

If, as China claims in its Outcome Report, "No one suffers reprisal for taking part in lawful activities or international mechanisms," why was human rights activist Cao Shunli detained at the Beijing airport in September 2013 en route to Geneva, and her whereabouts unknown until she was formally charged in October with vague and unsubstantiated charge of "picking quarrels and provoking troubles"? The Council should be informed that Cao, after being denied access to adequate medical care for three months in a Beijing prison, was transferred in November 2013 to intensive care in a Beijing hospital, where she died last week.

倘若如中国在成果报告中所宣称，“没有人因参加合法活动或参与国际机制而受到报复”，为何维权人士曹顺利会在2013年9月前往日内瓦途中于北京机场被拘捕，而后下落不明直到她在10月遭到正式起诉，罪名是模糊且毫无根据的“寻衅滋事罪”？联合国人权理事会应该得到说明，曹顺利在北京狱中被剥夺获得适当医疗照护的机会长达三个月，直到2013年11月被转送北京一所医院的重症监护病房，并已于上周去世。

If, as China claims in its Outcome Report, "...the Chinese government guarantees that all ethnic minorities fully exercise political...and other basic rights," and that "citizens have the right to criticize and make suggestions to any state organ or official," perhaps it can explain today the basis for its allegations of "separatism" against Uighur economist Ilham Tohti, who criticized Chinese government policies in Xinjiang but explicitly rejected independence for that region?

倘若如中国在成果报告中所宣称，“...中国政府保障所有少数民族充分行使政治...和其他基本权利”，而且“公民有权对任何国家机关或官员提出批评和建议”，或许中国可以即刻说明其依据何种理由以“分裂国家罪”起诉维吾尔族经济学者伊力哈木·土赫提？他曾批评中国政府对新疆的政策但却公开反对该地区独立。

And if, as China claims in its Outcome Report, people in China have the right to peacefully speak their minds and gather together, and that, "There is no so-called issue of suppressing 'human rights defenders'," perhaps it can explain the basis of the imprisonment of lawyer Xu Zhiyong in January 2014 and other members of the New Citizens Movement over the course of 2013-2014?

再倘若如中国在成果报告中所宣称，中国人民有权和平表达观点和集会，并且“不存在所谓打压‘人权捍卫者’的问题”，或许中国可以说明法律学者许志永为何在 2014 年 1 月入狱，还有其他新公民运动成员也在 2013 到 2014 年间陆续被捕？

Human Rights Watch notes the increase in the number of recommendations accepted by China, and welcomes the abolition of reeducation through labor.

人权观察注意到，中国接受建议的项目已有增加，并且欢迎废止劳动教养制度之改革。

However, many of the rejected recommendations speak to some of the most pressing human rights abuses inside the country today: use of the death penalty, maintenance of other systems of arbitrary detention, restrictions on the freedom of expression, and lack of full cooperation—by the government and for ordinary people—with international human rights mechanisms. We note that in abolishing reeducation through labor the Chinese government noted its unconstitutional nature, and hope that similar logic will be employed in dismantling the Custody and Education system as well as other illegal forms of arbitrary detention.

然而，许多被拒绝的建议都是针对中国当前最迫切的人权侵害：死刑的实施、其他任意拘押制度的维持、对言论自由的限制以及未能与国际人权机制充分合作——包括政府和一般人民。我们注意到，中国政府在废止劳教制度时指出其违宪本质，希望同样的逻辑也能运用在撤除收容教育制度以及其他形式的非法任意拘押。

In addition, all three of the cases mentioned above have involved the use of unfair trials, arbitrary detention, suppression of peaceful expression, and denial of access to adequate medical treatment since China's October 2013 review—yet in this venue China claims that these abuses simply do not exist.

此外，上述三个案例都涉及不公正审判、任意拘押、打压和平的言论表达以及剥夺适当医疗机会，而且全都发生在中国于 2013 年 10 月接受审议之后——中国在其中宣称这些侵害完全不存在。

Mr. President, such a response challenges not only the integrity of the UPR process and China's participation therein, but also demonstrates that China does not "uphold the highest standards in the promotion and protection of human rights" (UN General Assembly resolution 60/251) nor does it "fully cooperate with the Council" (as set out in UN General Assembly resolution 60/251). In 2014—fully twenty-five years after the Tiananmen massacre—Human Rights Watch and many inside China had hoped for better.

主席先生，如此的回应不仅有损普遍定期审议程序的严正性和中国在此的参与意义，同时也证明中国既未“遵守促进和保护人权的最高标准”（联合国大会决议第 60/251 号），亦未“充分与理事会合作”（如联合国大会决议第 60/251 号所规定）。对于 2014 年——天安门屠杀 25 周年——人权观察和许多中国国内人士均寄予厚望。