

CHINA: Civil society deeply concerned by removal of key stakeholder information by the UN OHCHR for upcoming UPR of China

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November 5, 2018

We, the undersigned, express deep concern over the removal of valuable stakeholder information by the Office of the High Commissioner for Human Rights (OHCHR) for consideration by UN member states ahead of the 3rd Cycle Universal Periodic Review (UPR) of the People's Republic of China.

The UPR process, undertaken through the UN Human Rights Council, explicitly welcomes constructive contributions from civil society to address human rights challenges and promote universal human rights norms. All of the undersigned groups submitted reports through the OHCHR's online platform before the deadline of March 29, 2018 as individual organizations or as joint submissions to be considered by states in the preparation of their recommendations, and by the OHCHR in its official summary of information from civil society.

We are, however, dismayed by the fact that at least seven

submissions were completely removed from consideration from the final document intended for UN member states to draft recommendations for China's review.

The OHCHR – tasked with compiling stakeholder information into a summary document – initially released a Stakeholder Summary dated September 3, 2018. The document listed 85 individual submissions including from the Tibetan Centre for Human Rights and Democracy (TCHRD) and Demosistō as well as 42 joint submissions including from the Unrepresented Nations and Peoples Organization (UNPO) and Southern Mongolian Human Rights Information Center (SMHRIC); another that included the UNPO and several Tibet groups; and another submission from Hong-Kong-based groups that also included Demosistō.

The World Uyghur Congress (WUC) was provided only passing mention in two citations at the end of the document and the Uyghur Human Rights Project (UHRP) was cited within the text of the original document, though both were not listed as contributors.

Shortly after the first Stakeholder Summary was posted, however, it was removed from the OHCHR's website for several weeks. Citing "technical reasons", on October 16 the OHCHR re-issued an updated version of the report (version dated October 10). However, this version incorporates critical changes that do not appear to be technical in nature. The updated document removed citations of reports from TCHRD and Demosistō as well as three separate joint submissions (noted above), and removed all references to reports from the WUC and UHRP.

The concerned organizations reached out individually to the OHCHR with concerns from October 22-26; in response, OHCHR officials wrote: "As a subsidiary body of the United Nations General Assembly, the HRC and the UPR Working Group (UPR WG), must adhere to the official United Nations position and terminology as reflected in relevant General Assembly resolutions and within the context of the UN Charter, and therefore, must respect the sovereignty, independence, and territorial integrity of the State concerned." Further requests to explain in greater detail specific issues with the seven reports went unanswered.

The OHCHR did, however belatedly, issue a Corrigendum document on November 2, including previously removed citations of reports by TCHRD, UHRP, WUC and a joint submission by UNPO and SMHRIC, we remain deeply concerned about the exclusion of stakeholder information in the first place. Furthermore, an individual submission from Demosistō as well as a joint submission focusing on Tibet continue to be left out of all OHCHR documentation for the review. Since the statements and recommendations of delegations participating in the review are drafted weeks in advance, withholding NGO inputs until less than two working days before the review, effectively precludes these inputs from being considered by participating States.

The undersigned organizations all provided relevant information adhering closely to UN principles and those set out by the OHCHR. All of the aforementioned reports detailed the situation on the ground for particular groups within China and were structured to support efforts for reforms necessary to improve the human rights conditions and the implementation of previous UPR recommendations.

While we recognise the indispensable work performed by the OHCHR around the world working on critical issues and facilitating participation and inputs from various groups, we remain very concerned that the removal of these reports gives further credence to well-documented NGO concerns of China's growing influence within the UN human rights system, and the deliberate silencing of critical voices.

As NGOs, we look to the OHCHR to facilitate civil society participation in the UPR process. Any differential treatment or interpretation of processes, criteria or NGO engagement by the OHCHR in the context of reviews of China should be justified promptly and openly.

The process concerns in this case raise important questions for OHCHR to answer:

- Why were the NGO inputs excluded in the first place?
- Why, given that the NGO inputs were available since March 2018, did it take until November for the Office to accept them and issue a Corrigendum?
- What specific concerns have led to the submission from Demosistō and the joint submission on Tibet still being excluded, and why have these concerns not been communicated to the NGOs in question?
- Did the delegation or government of China object to the

reports or the NGOs which submitted them?

The undersigned organizations therefore call for greater transparency within the UPR stakeholder compilation process including:

1. Prompt notification of exclusion from UPR, Treaty Body or other human rights reviews.

1. Explanation of terminology used to exclude stakeholder information, including, but not limited to, what constitutes 'politicised' information or fails to respect 'national sovereignty and territorial integrity.'

1. Providing NGOs clear justifications for any concerns, sufficient advance notice, and an opportunity to address any concerns so that their inputs can be duly reflected in the summary of stakeholder submissions.

List of Signatories:

Demosistō

Human Rights Watch (HRW)

International Service for Human Rights (ISHR)

Nonviolent Radical Party, Transnational and Transparty

Southern Mongolian Human Rights Information Center (SMHRIC)

Tibetan Centre for Human Rights and Democracy (TCHRD)

Unrepresented Nations and Peoples Organization (UNPO)

Uyghur Human Rights Project (UHRP)

World Uyghur Congress (WUC)

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