

CHINA: The United States and European Union hammer China at the Human Rights Council

Dui Hua Human Rights Journal (11.10.2017) – <http://bit.ly/2g4qXRB> – At the 35th session of the Human Rights Council (HRC) in Geneva in June 2017, the European Union (EU) was unable to make a statement criticizing China's human rights record under Item 4 of the Council agenda, "Human Rights Situations that Require the Council's Attention." The EU works under the consensus principle, meaning that all 28 member countries must agree on important foreign policy statements, and Greece, which has received massive investments and aid from China (China Cosco Shipping owns a controlling stake in the Greek port of Piraeus), refused to endorse the EU's statement, effectively killing the initiative.



Statements delivered at the Human Rights Council 36th Session; clockwise from top left: the US, China,

Germany, and Estonia (representing the EU). Image
Credit: UN Web TV.

Diplomats and representatives of human rights groups were outraged. Rubbing salt into the wound, China thanked Greece. The German foreign minister accused China of trying to undermine "One Europe."

Media coverage was intense. In one of many articles in American and European media that covered the debacle, *The Washington Post*, in an article entitled "[Europe divided, China gratified, as Greece blocks EU statement over human rights](#)," wrote that "Money really can buy love, and in China's case, it appears to be helping to keep the EU divided and ineffective."

In a stunning reversal, the EU made an [Item 4 statement](#) at the 36th session of the HRC that ended in Geneva on September 29. The EU statement was accompanied by Item 4 statements by Germany, the United Kingdom, and the Czech Republic. (Switzerland, which is not a member state of the EU, made a statement on Liu Xia, the widow of Nobel Peace Prize laureate Liu Xiaobo, under Item 2 of the agenda.) The EU regretted the death in prison of Liu Xiaobo and called on Beijing to lift restrictions on Liu Xia. It expressed concern over the lack of transparency and respect for due process in the cases of detained human rights lawyers and called on China to ensure fair trials for individuals detained for their human rights activities, including Jiang Tianyong, Wang Quanzhang, Tashi Wangchuk, and Wu Gan. It also called on China to respect cultural diversity and freedom of religion in Tibet and Xinjiang.

[Germany expressed deep worries](#) over widespread human rights abuses in China, especially in Tibet and Xinjiang. It cited infringements on the freedom of religion witnessed at the Larung Gar monastery in Sichuan Province, and urged China to immediately release all human rights defenders, including

Jiang Tianyong, Wang Quanzhang, Wu Gan, Liu Feiyue, Huang Qi, Li Tingyu, Lu Yuyu, and Tashi Wangchuk. It asked China to allow visits of the UN Special Procedures.

[The United Kingdom \(UK\)](#) registered sadness over the death of Liu Xiaobo, and concern over the handling of his case. It too called for the lifting of all restrictions on Liu Xia.

Dui Hua has failed to find a single media article on the EU's about-face. Nor has the foundation received an explanation of how it came about. The final decision was said to have been reached by foreign ministers in New York for the United Nations General Assembly meeting. It was also claimed that the final decision was reached in Brussels hours before the statement was delivered. One European diplomat said that Germany in particular was incensed by the Greek scuttling of the EU statement at the 35th session of the HRC, and let Greece know "which side of their bread was being buttered by whom," a reference to the bailout of cash-strapped Greece by the European Commission and EU member states. Another official cited widespread disappointment with the bilateral human rights dialogue held between China and the EU on June 22-23, 2017. Despite questions by the EU on Liu Xiaobo, the Chinese side said nothing in reply, even though it has emerged that the Chinese side was aware at the time that Liu was gravely ill.

The statements under Item 4 by the EU, Germany, and the UK could impact the holding of future bilateral human rights dialogues between the countries and China. Prior to the June 22-23, 2017 dialogue, China warned the EU that the dialogue would be cancelled if it made an Item 4 statement at the 35th session of the HRC. Now that the EU, Germany, and the UK have defied China, it may well turn out that sessions of human rights dialogues expected to be held in 2018 will not take place, dealing a fatal blow to the practice of holding human rights dialogues with China.

The United States Issues Sharp Criticisms at HRC 36

As if to challenge the narrative, advanced by critics, that the Trump administration does not care about human rights abuses in China, the US Mission in Geneva made three statements that sharply criticized aspects of China's human rights behavior. Statements were made under [Items 3 \("disappearances"\)](#), [4 \("situations requiring attention"\)](#), and [5 \("human rights bodies and mechanisms."\)](#) No other country made three critical statements.

The Item 4 statement accuses China of arbitrary detentions, torture, and forced confessions on state media of lawyers and activists. Both Item 4 and Item 5 cite retaliations against family members and others who cooperate with UN Special Procedures. Item 4 says that conditions in Tibet and Xinjiang are akin to martial law.

Of particular note is language on Hong Kong in the U.S. Item 4 statement: "We are concerned by the decision of the Hong Kong authorities to seek tougher sentences for activists after they served their original sentences." This is a rare instance of U.S. criticism of Hong Kong at a session of the HRC.

Another first for the U.S. was the issuance of a statement under Item 3 of the agenda. The statement criticized China for detaining the Hong Kong Causeway Bay booksellers in 2015, and the alleged kidnapping by Chinese security agents of billionaire businessman Xiao Jianhua in a Hong Kong hotel earlier this year. The US Item 3 statement registered concern over enforced disappearances in only two countries, China and Syria, in that order.

China Reacts

China's mission in Geneva issued [furious rebuttals](#) to the US and EU Item 4 statements, accusing the countries of widespread and serious human rights abuses. It singled out racism and white supremacy in the United States and the rise of neo-

Nazis and xenophobia in Germany. The UK was called out for “the phenomenon of modern slavery in which tens of thousands of migrant household workers suffer ill treatment.”

China was especially angered by the US statement under Item 3. Not only did the Americans criticize Chinese actions involving Hong Kong, the Chinese side was given only 20 minutes to craft a reply. In one respect, however, the Chinese government was relieved by the action in Geneva. It had been rumored that another joint statement like the one made by the United States and 11 “like-minded countries” under Item 2 at the 31st session of the Human Rights Council would be delivered at the 36th session. It appears that the strategy by Western countries has shifted from making joint statements to making individual statements. Whether this strategy holds going forward remains to be seen.

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