

Written Statement by United Nations Watch

OHCHR Complicity in China's Abuse of Dissidents Attending UN Meetings, Agenda Item 4

China has the ignominious distinction of having one of the world's worst human rights records. Nevertheless, it has been a member of the Human Rights Council almost every year since 2006 when the Council was created. China routinely cracks down on dissent at home through travel bans, surveillance, arbitrary arrests and detention, politically motivated prosecutions, torture, and denial of due process rights, among other things.¹ China also tries to silence human rights defenders abroad by retaliating against their families in China.²

In the last few years there have been a number of disturbing reports about China harassing and intimidating its human rights activists at the United Nations. For example, in 2017, Human Rights Watch published a lengthy report on China's interference in United Nations human rights mechanisms, including by barring NGOs from attending a speech by President Xi and getting Uyghur activist Dolkun Isa ejected from the premises of the UN's New York headquarters.³ In 2015, Reuters published an article titled: *At U.N., China uses intimidation tactics to silence its critics*, which reported on China's efforts to deny accreditation to high-profile activists.⁴

In line with these reports, China harassed two of United Nations Watch's speakers at the Human Rights Council in recent years. During the March 2018 session when the prominent Chinese dissident Dr. Yang Jianli spoke, the Chinese government engaged in reprisals against him, including intimidation, harassment, and surveillance.⁵ Our complaint to the UNHRC president on this matter went unanswered.

In March 2014, when Ti-Anna Wang spoke at the Council to plead for the release of her father, Wang Bingzhang, an expatriate Chinese democracy advocate who has been in Chinese custody since 2002, China attempted to silence Ms. Wang and prevent her from speaking at the session.

After that effort failed, a representative of an NGO with close ties to the Chinese government intimidated and harassed Ms. Wang by taking unauthorized photos of her and her computer as she was sitting in a UNHRC debate on China. The UN ultimately expelled the Chinese "NGO" delegate over his improper conduct, but no action was taken against China or the NGO with which the spy was affiliated.⁶

¹ *China: Events of 2018*, HUMAN RIGHTS WATCH (2019), <https://www.hrw.org/world-report/2019/country-chapters/china-and-tibet>.

² *Id.*

³ *The Costs of International Advocacy, China's Interference in United Nations Human Rights Mechanisms*, HUMAN RIGHTS WATCH (Sep. 5, 2017), <https://www.hrw.org/report/2017/09/05/costs-international-advocacy/chinas-interference-united-nations-human-rights>.

⁴ Sui-Lee Wee and Stephanie Nebehay, *At U.N., China uses intimidation tactics to silence its critics*, REUTERS (Oct. 6, 2015), <https://www.reuters.com/investigates/special-report/china-softpower-rights/>.

⁵ *China's UN rep spies on dissident, interrupts UN testimony three times*, UN WATCH (March 20, 2018), <https://unwatch.org/chinas-un-rep-spies-dissident-interrupts-un-testimony-three-times/>.

⁶ Didi Kirsten Tatlow, *Fissures in China's Ethnic Policy*, NEW YORK TIMES (March 26, 2014), <https://sinosphere.blogs.nytimes.com/2014/03/26/fissures-in-chinas-ethnic-policy/>; Didi Kirsten Tatlow, *see also U.N. Investigates 'Intimidation' of Activist at Human Rights Council*, NEW YORK TIMES (March 21, 2014),

We note that China also routinely harasses United Nations Watch Executive Director Hillel Neuer when he speaks at the Human Rights Council on behalf of the victims of Chinese human rights violations. Most recently, during the March 2019 session, China attempted to shut down an Item 9 speech by Mr. Neuer criticizing China's treatment of Uighur Muslims, falsely claiming the speech was outside the scope of Agenda Item 9 which concerns racism and discrimination.

Outrageously, the Office of the High Commissioner for Human Rights (OHCHR) has been complicit in China's abuse of dissidents at the UN, with an admitted policy of informing China of the names of dissidents planning to attend UN Human Rights Council sessions in advance of those sessions.⁷

In its only public statement on this issue, dated February 2017, OHCHR defended the practice, stating that it "confirms" the identities of activists attending Council sessions to governments, particularly China, who "regularly ask the UN Human Rights Office" whether "particular NGO delegates are attending the forthcoming session."⁸ This statement is supported by a recent letter by Dutch Foreign Minister Stef Blok, replying to queries filed by Dutch lawmakers over the controversial award last year of a Dutch human rights prize to former UN rights chief Zeid Ra'ad Al Hussein.⁹ The Dutch letter noted that the UN Ethics Office confirmed that a "list of names" of activists registered to attend sessions of the UN Human Rights Council was handed to Chinese authorities by OHCHR.

Significantly, in the case of UN whistleblower Emma Reilly, who claims she suffered retaliation by OHCHR after she exposed this practice, a UN Dispute Tribunal has just issued an important judgment. The judgment gives the UN 30 days to decide whether to open an investigation against former High Commissioner Zeid based on Ms. Reilly's allegations, *inter alia*, that the February 2017 press release misrepresented OHCHR's policies on sharing information regarding NGO participants in OHCHR meetings with the Chinese government.¹⁰

Regrettably, OHCHR has been reluctant to publicly clarify its current practice in this regard. In private correspondence with NGOs, OHCHR contradicted its February 2017 statement. Specifically, in a May 2017 letter to United Nations Watch, OHCHR stated unequivocally: "As to your questions about our current policy and practices, we wish to be completely clear on the core issue: the UN Human Rights Office does not confirm the names of individual activists

https://sinosphere.blogs.nytimes.com/2014/03/21/u-n-investigates-intimidation-of-activist-at-human-rights-council/?_r=0.

⁷ *UN rights office categorically rejects claim it endangered NGOs*, OHCHR (Feb. 2, 2017),

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21139&LangID=E>.

⁸ *Id.*

⁹ Letter to Dutch Lawmakers (Jan. 16, 2019), <https://www.unwatch.org/wp-content/uploads/2019/01/Stef-Blok-translation.pdf>.

¹⁰ *Reilly v. Secretary-General of the United Nations*, Case No/ UNDT/GVA/2018/024, Judgment No. UNDT/2019/094 (UN Dispute Tribunal May 24, 2019), <https://www.un.org/en/oaj/files/undt/judgments/undt-2019-094.pdf?fbclid=IwAR24vsNXO8IrcIT2oD52BkTjr-Km8urcuyRbkCQMwdF6Mo3iPPUQsWM81XA>.

accredited to attend UN Human Rights Council sessions to any State, **and has not done so since at least 2015.**"¹¹

In an August 2017 letter to Human Rights Watch, OHCHR again stated that it does not provide the names of human rights activists to requesting governments in advance of sessions, but contrary to what it told United Nations Watch in May, OHCHR implied that it has **never** handed over names in advance of sessions:

Prior to regular sessions of the Human Rights Council, the [UN human rights office] Secretariat often receives communications from States, including the People's Republic of China, listing some individuals who according to their information plan to attend or may be attending sessions of the Human Rights Council and who may represent possible threats to the United Nations... Once UNOG has assessed that there is no evidence to back up the allegations, the Secretariat of the Human Rights Council informs the concerned State of this conclusion. **No other information is transmitted to the State.**¹²

Despite urging from United Nations Watch for OHCHR to set the record straight by issuing a public statement as to its current practice, OHCHR has declined to do so.¹³ OHCHR's refusal to clarify the matter is troubling, particularly in light of China's documented practice of engaging in reprisals against its dissidents attending UN meetings.

Providing China or any other government with names of dissidents accredited to attend UN sessions in advance of the sessions is harmful and potentially life-threatening to dissidents and their families, particularly family members still in China. We call on the OHCHR to issue a clear public statement as to its current practice in this matter.

¹¹ Letter from OHCHR to UN Watch Executive Director Hillel Neuer (May 31, 2017), <https://www.unwatch.org/wp-content/uploads/2009/12/OHCHR-response-to-UN-Watch-on-reprisals-30-May-2017.pdf>.

¹² *The Costs of International Advocacy, China's Interference in United Nations Human Rights Mechanisms*, HUMAN RIGHTS WATCH (Sept. 5, 2017), Annex, 107, https://www.hrw.org/sites/default/files/report_pdf/chinaun0917_web.pdf.

¹³ Letter from UN Watch Executive Director Hillel Neuer to High Commissioner for Human Rights Zeid Hussein (June 26, 2017), <https://www.unwatch.org/wp-content/uploads/2009/12/UN-Watch-Letter-response-to-OHCHR-on-reprisals-June-2017.pdf>.