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**AMNESTY
INTERNATIONAL**



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Dear High Representative Mogherini,

EU AND CHINA MUST PUT UNIVERSAL HUMAN RIGHTS AT CENTRE OF DIALOGUE

Ahead of your engagement in the Strategic Dialogue in China on 5-6 May, Amnesty International calls on the European Union (EU) and its member states to ensure that human rights remain at the front and centre of this and all other exchanges with the Chinese government.

The EU must take the opportunity of this dialogue to urge China to **revise the draft Anti-Terrorism Law so that it is compatible with international human rights standards**.ⁱ Expected to be passed in the latter half of 2015, this draft law has many worrying elements with respect to freedom of expression, public participation in government affairs, and the development of civil society. According to international standards, if concepts such as “terrorist activities” are written into any country’s laws, the offences must be narrowly and clearly defined as offences which are internationally recognisable and in line with the genuine purpose of protecting national security and cannot be legitimate grounds for violating human rights of suspects and defendants. However, China’s draft Anti-Terrorism Law gives an overly broad definition of “terrorism” and “extremism”.ⁱⁱ Under this new law, all criticism of the government in ethnic minority areas could potentially be prosecuted as “terrorism”. The United Statesⁱⁱⁱ and industry associations^{iv} have raised serious concerns with respect to the provisions in the law that would require technology companies to share their encryption keys with the Chinese government and provide the government with security backdoors for surveillance purposes. Since the law is currently under review, but is expected to be promulgated in the fall of 2015, now is the opportune time to ensure that human rights considerations – as well as trade considerations – are fully taken into account.

The EU must also urgently call on the Chinese government to **immediately stop its crackdown on human rights defenders**. Last year saw two high-profile crackdowns as China detained over 60 activists in the run up to the 25th anniversary of the Tiananmen crackdown and over 100 who showed support for the pro-democracy protests in Hong Kong. The majority of these individuals were detained in a manner that even violates China’s own already problematic Criminal Procedure Law, which states that the police should contact the family members of detained individuals within 24 hours. Of more than 100 detained for supporting the Hong Kong protests, 24 were formally arrested and are currently in detention. Four people have not received adequate legal representation, and at least two have reported being tortured in detention. All continue to be at risk of torture or other ill-treatment. In some cases, people quite literally disappeared. Women’s rights activist Su Changlan initially went missing, presumably after she shared photos of the Hong Kong pro-democracy protests on social media. She was later confirmed to be criminally detained and was subsequently formally arrested on the charge of “inciting subversion of state power”, and to date has been denied access to a lawyer for 173 days. Her friend Chen Qitang, who was looking for her and trying to drum up support for her release, was also subsequently detained and likewise arrested on the charge of “inciting subversion of state power”, and has now been denied access to a lawyer for 144 days.

In 2015 to date, this sustained suppression of human rights and independent advocacy continues. More human rights defenders and dissidents continue to be detained, most notably five prominent women’s rights activists were detained on the charges of “picking quarrels and provoking troubles”. Later the charge was changed to “gathering a crowd to disturb order in a public place”. Although they were released on 14 April after an unprecedented international outpouring of support, as per the conditions of their release on bail, they will still be treated as “criminal suspects” who will have their

freedom of movement and speech curtailed. Other activists have been suppressed, such as Chen Yunfei, who was formally arrested on the charge of “inciting subversion of state power” and “picking quarrels and provoking troubles”, and Guangdong authorities formally arrested three bloggers for their social media activism on the charges of “inciting subversion of state power”^v.

Finally, the EU must engage with China to **put an end to its undue suppression of civil society and ensure that foreign funding of civil society projects can continue.**^{vi} Today, the Chinese government is considering promulgating a law that would target international Non-Governmental Organisations (NGOs), and if this law goes into effect, it may make foreign financial support to Chinese NGOs all but impossible. Such a measure would have very negative impact on human rights in various fields as well as being a serious setback for key human rights projects funded by the EU and its member states. This law treats non-profit organisations that are often at the forefront of tackling important social issues, as potential national security targets. Public security and other government departments may seek to tightly control their activities and expenditures. These onerous and unnecessary restrictions, along with multiple levels of government reporting, may make it almost impossible to actually operate an NGO in China. The EU should urge the Chinese authorities not to proceed with this law in its current form and to lift other restrictions that prevent NGOs carrying out their legitimate and valuable work.

Both China and the EU must act on their international commitments to universal and indivisible human rights, making them the point of departure for this and all such exchanges in future. We look forward to concerted engagement and concrete outcomes on human rights as the EU and China meet at the forthcoming Strategic Dialogue, and we stand ready to provide any further information you may require.

Yours sincerely,



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ⁱ Amnesty International, “China: Draconian anti-terror Law an assault on human rights”, 4 March 2015, <https://www.amnesty.org/en/articles/news/2015/03/china-draconian-anti-terror-law/>; Deutsche Welle, “Amnesty: China’s draft anti-terror law ‘contravenes international human rights law’”, 5 March 2015, <http://www.dw.de/amnesty-chinas-draft-anti-terror-law-contravenes-international-human-rights-law/a-18298615>

ⁱⁱ China Law Translate, Anti-Terrorism Law (Draft), 8 November 2014. <http://chinalawtranslate.com/en/%E5%8F%8D%E6%81%90%E6%80%96%E4%B8%BB%E4%B9%89%E6%B3%95%EF%BC%88%E8%8D%89%E6%A1%88%EF%BC%89/>

ⁱⁱⁱ Mason, Jeff, “Exclusive: Obama sharply criticizes China’s plans for new technology rules”, Reuters, 2 March 2015. <http://www.reuters.com/article/2015/03/02/us-usa-obama-china-idUSKBNOLY2H520150302>

^{iv} Chen Qin, “Foreign Tech Firms Cast Weary Eye on Proposed Anti-Terror Law”, Caixin Online, 2 April 2015. <http://english.caixin.com/2015-04-02/100797049.html>

^v Radio Free Asia, “China Formally Arrests Three Online Activists over Tweets, Posts”, 2 April 2015. <http://www.rfa.org/english/news/china/three-online-activists-arrested-04022015110059.html?searchterm:utf8:ustring=Liang+Qinhu>

^{vi} Sui-Lee Wee, “Foreign non-governmental groups in China fear clampdown under new law”, Reuters, 9 March 2015. <http://www.reuters.com/article/2015/03/09/us-china-parliament-ngos-idUSKBN0M518X20150309>