



To the attn. of:

Mr Josep Borell Fontelles

EU High Representative for Foreign Affairs and Security Policy / Vice-President European External Action Service (EEAS)

15 February 2023

Dear High Representative Borrell,

JOINT PUBLIC LETTER: EU SHOULD PRIORITIZE RIGHTS IN RELATIONS WITH CHINA AFTER FINDINGS OF POTENTIAL CRIMES AGAINST HUMANITY

As [announced](#) during the visit to China by Council President Charles Michel and reported by [media](#), we understand that the European Union (EU) and its member states are considering the resumption of the EU-China Human Rights Dialogue as part of their re-engagement with their Chinese counterparts over the coming months. We once again urge the EU and its member states to suspend the EU-China human rights dialogue and to prioritize strong and concrete human rights outcomes across all areas of their relations with China.

Our concerns are all the more urgent given the August 2022 [report](#) by the United Nations Office of the High Commissioner for Human Rights (OHCHR) finding that China's treatment of Uyghurs and other predominantly Muslim groups "may constitute international crimes, in particular crimes against humanity" and the deepening repression faced by activists and perceived critics in China in the lead up to, and in the wake of, the confirmation of Xi Jinping's third term as Chinese Communist Party leader.

Our organizations believe that human rights must lie at the heart of a robust, strategic approach to the EU and its member states' relations with China. The 2019 Strategic Outlook on EU-China relations [declares](#) that "[t]he ability of EU and China to engage effectively on human rights will be an important measure of the quality of the bilateral relationship."

Amid recent steps some characterize as a "charm offensive", China has [expressed](#) "readiness to resume the EU-China Human Rights Dialogue", sending "an important signal" in an exchange with Council President Michel in December 2022. Since 2017, our organizations have repeatedly [called](#) for the suspension of the EU-China human rights dialogue until the meetings can bring genuine human rights improvements. Regrettably, there is no indication that this will be the case should the human rights dialogue resume. In the absence of indications that the human rights dialogue may be linked to concrete benchmarks and deliverables for improvement – which was not the case in the previous 37 rounds – we reiterate our concerns about its resumption. The EU and its member states should use every opportunity to press

for real human rights change and to counter China's mounting crackdown on human rights and rights holders, at home, abroad and at multilateral level, and the Human Rights Dialogue has unfortunately proven unable to deliver any such changes.

In November 2022, thousands of people across China protested the government's strict COVID-19 measures and denounced the Chinese Communist Party's repressive rule. In response, the government abruptly lifted most of the COVID-19 restrictions nationwide, but also harassed or detained scores of people who participated in the protests. Since the imposition of the draconian National Security Law (NSL) in 2020, Hong Kong authorities continue to dismantle the freedoms long enjoyed by the city's inhabitants. In February 2023, authorities opened the largest NSL trial against 47 of the city's most prominent pro-democracy politicians and advocates. An estimated one million Uyghurs and other predominantly Muslim people have been wrongfully detained in political re-education camps, pretrial detention centres, and prisons in the Xinjiang Uyghur Autonomous Region ("Xinjiang" or "Uyghur region"). There are also alarming reports that the Chinese authorities have further implemented programs of forced labour, family separation, mass surveillance, forced sterilization and abortion, and cultural destruction in the Uyghur region. Authorities in Tibet continue to implement aggressive assimilation policies - such as relocation programs and the boarding school system - that threaten Tibetan culture, language and identity, and marginalize Tibetans. Chinese authorities also continue to enforce severe restrictions on freedoms of religion, expression, movement, and peaceful assembly. Tibetan writers, intellectuals and environmental defenders are being subjected to arbitrary detention, torture and other ill-treatment, and lengthy prison terms. Elsewhere, the Chinese authorities continue to harass, detain, and prosecute human right defenders and to crush free speech on- and offline.

Against the backdrop of this deteriorating human rights situation in the country and the serious findings of the OHCHR report, all of the exchanges between the EU and its member states with China will send a message about their human rights commitments in their foreign policy, which will be closely watched by civil society in China and worldwide. At this crucial moment, another ineffective human rights dialogue would only replicate previous exchanges and thus undermine the EU's credibility as a global human rights actor, even as the stakes remain high for rights defenders, activists, lawyers, and civil society across China.

The European Union should only commit to a human rights dialogue with China if it receives sufficient guarantees that the Chinese authorities commit to reverse their dire human rights record, and if the EU itself is ready to send strong messages and take ambitious action in the face of the grave human rights violations committed by the Chinese government in recent years – including international crimes, in particular crimes against humanity.

We urge the EU and its member states to use every opportunity during their forthcoming bilateral and multilateral meetings with China to:

- Commit to **following up on the OHCHR report on Xinjiang** by creating an independent, international investigative mechanism into crimes against humanity targeting Uyghurs and other predominantly Muslim communities, taking all measures necessary to advance accountability and also establishing a wider, regular monitoring and reporting process at the UN Human Rights Council on Chinese government human rights violations, as [recommended](#) in June 2020 by 50 UN human rights experts.
- Map prospects for **universal jurisdiction** cases against Chinese officials suspected of responsibility for atrocity crimes, while reinforcing efforts to monitor and respond to Chinese government threats to human rights across the EU.
- Make clear to the Chinese authorities that the **EU and its member states will use all instruments at their disposal to urgently respond to human rights violations in dealing with Chinese government officials and entities responsible for devising and implementing abusive policies across China, in particular Hong Kong, Tibet, the Uyghur region, and against peaceful critics and human rights defenders.**
- **Call publicly for the release of all Uyghurs and members of other predominantly Muslim minorities arbitrarily**

detained in prisons and camps in Xinjiang, as well as human rights defenders and activists – including economist and Sakharov laureate Ilham Tohti, Swedish publisher Gui Minhai, human rights defenders Guo Feixiong, He Fangmei and Li Qiaochu, Tibetan businessman Dorjee Tashi, Hong Kong media tycoon Jimmy Lai, Hong Kong human rights lawyer and labour activist Chow Hang-tung, human rights lawyers Gao Zhisheng and Ding Jiaxi, prominent legal scholar Chang Weiping, #Metoo activist Sophia Huang Xueqin and labour rights activist Wang Jianbing.

- **Call for the Chinese authorities to facilitate diplomatic access to observe trials and to conduct visits to individuals in prison or detention centres**, as well as for transparency on the use of all forms of detention and prompt provision of information to families of detainees.
- **Urge the Chinese authorities to allow for unfettered and reciprocal access to Tibet, Xinjiang and across China**, for foreign diplomats, parliamentarians, UN experts, journalists, and non-governmental organizations

Should the EU proceed with holding the Human Rights Dialogue, its ensuing press release and communications should include a **strong public condemnation of these and other grave violations by the Chinese government, including an explicit stance on the findings of the OHCHR report**, and a commitment to addressing them in international fora and with all instruments available to the EU and its member states.

In parallel, the EU and its member states should **actively pursue a stand-alone, structured dialogue with Chinese civil society** convened in Europe, to better inform the EU and member states' understanding of the Chinese government's repressive policies, and to help devise more effective tools to address them.

We thank you for your actions on behalf of human rights in China and stand ready to discuss our shared concerns further at a time of your convenience.

Amnesty International

Front Line Defenders

Human Rights in China (HRIC)

Human Rights Watch

International Campaign for Tibet (ICT)

International Federation for Human Rights (FIDH)

International Service for Human Rights (ISHR)

The Rights Practice

Unrepresented Nations and Peoples Organization (UNPO)

World Uyghur Congress