



Mr. Donald Tusk
President of the European Council

Brussels, 6 July 2016

Dear President Tusk,

Ahead of the 18th EU-China Summit in Beijing on 12 and 13 July 2016, the International Federation for Human Rights (FIDH), the International Campaign for Tibet (ICT), Human Rights in China (HRIC) and Amnesty International (AI) urge you to ensure that human rights remain at the centre of EU – China relations.

This summit will take place just days after the one-year anniversary of the far-reaching crackdown on human rights lawyers in China that started on 9 July 2015. In this context, it will be paramount for the EU to **call on the Chinese authorities to stop the harassment, arbitrary detention, torture and other ill-treatment, and imprisonment of human rights lawyers peacefully carrying out their work.** It should highlight the importance of protecting lawyers' rights and freedom of expression in promoting the rule of law. In line with the EU Strategic Framework on human rights and democracy and the European Commission's proposed elements for a new EU Strategy on China released on June 22, 2016, the EU should in addition **publicly and unambiguously condemn the increasingly repressive environment and deteriorating human rights situation in China and should call for specific and concrete action in order for China to respect the rule of law and international human rights law.**

The **trend of overarching securitization in China's laws and policies is of serious concern**, as exemplified by the recently adopted National Security Law, Counter-Terrorism Law, and the draft Cyber Security Law¹, which punish peaceful expression that is perceived as critical of the state by conflating any criticism or dissent with threats to national security. These security laws will have severe consequences for freedom of expression, association, peaceful assembly and religion in China, which are already sharply curtailed under existing laws and policies. For example, the vaguely worded new law on counter-terrorism links "terrorism" with an unclear "extremism" tied to religion, allowing for

¹ *China: Submission to the NPC Standing Committee's Legislative Affairs Commission on the Draft "Cyber Security Law"*, Amnesty International, 5 August 2015.
<https://www.amnesty.org/en/documents/asa17/2206/2015/en/>

the criminal prosecution of Uyghur Muslims and Tibetan Buddhists for virtually any manifestation of religious and cultural beliefs, in blatant contravention to international human rights law².

In addition to these security-related laws, the new Foreign NGO Management Law (FNGO Law, effective 1 January 2017) treats foreign NGOs, like domestic independent civil society groups, as potential security threats to the regime. By placing the implementation and supervision of the new law under the mandate of the public security authorities and granting the latter extensive investigation and enforcement powers, the FNGO Law places foreign civil society groups, including those doing important work of advancing human rights and holding government policies to account, at risk of being arbitrarily targeted by security forces and without assurances for due process. Under this law public security officials will be granted the authority to arbitrarily summon representatives of overseas groups, cancel activities deemed a “threat to national security”, and restrict access to funding from abroad, adding more extreme controls and monitoring to an already restrictive civil society space in China³.

The EU has raised concerns about the concrete outcomes and human rights implications of these new sweeping laws on several occasions, for example by the EU Special Representative for Human Rights Stavros Lambrinidis on his second official visit to China in November 2015⁴, in the European Parliament’s resolution on EU-China relations of 16 December 2015⁵, and most recently in the Human Rights Council on 22 June 2016⁶ and the Joint communication of the HRVP and Commission with “Elements for a new EU strategy on China”⁷. It is important that on the occasion of the upcoming EU-China summit, the **EU echoes these concerns and presents a coherent and unified position on the need to repeal or amend laws that restrict basic freedoms or that do not meet international human rights standards.**

It is imperative that the EU engages the Chinese authorities at the highest level on the universality and indivisibility of human rights, and urges China to respect the free flow of information, ensure the independence of the judiciary, and respect all forms of peaceful expression, assembly and association. In line with the EU’s commitment to place human rights at the centre of its relations with all third countries, including its strategic partners, our organisations urge you to call on the Chinese authorities to:

- stop the repression and persecution of human rights defenders, and in particular to immediately and unconditionally release the remaining lawyers and activists who have been arrested in relation to the 9 July 2015 crackdown. In this context, the EU should raise individual emblematic cases including those of Su Changlan, Gao Yu, Xie Wenfei, Wang Mo, Zeng Feiyang, Meng Han, Tang Zhishun, Xing Qingxian, Wang Yu, Bao Longjun, Jiang Yefei, Dong Guangping, Ilham Tohti, Druklo, Dolma Tso, Tashi Wangchuk, Choephel Dawa, Liu Ping, Liu Xiaobo/Liu Xia, Yan Tongyan, Guo Feixiong and Abdukiram Abduveli;

² *China’s first counter-terror law and its implications for Tibet*, ICT, 7 January 2016.

<http://www.savetibet.org/chinas-first-counter-terror-law-and-its-implications-for-tibet/>

³ *China: New Law Escalates Repression of Groups*, Human Rights Watch, 28 April 2016.

<https://www.hrw.org/news/2016/04/28/china-new-law-escalates-repression-groups>; *China: Submission to the NPC Standing Committee’s Legislative Affairs Commission on the second draft Foreign Non-Governmental Organizations Management Law*, Amnesty International, 2 June 2015.

<https://www.amnesty.org/en/documents/asa17/1776/2015/en/>

⁴ *EU Special Representative for Human Rights visits China*, EEAS, 16 November 2015.

http://eeas.europa.eu/statements-eeas/2015/151116_03_en.htm

⁵ European Parliament resolution of 16 December 2015 on EU-China relations (2015/2003(INI)).

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2015-0458+0+DOC+XML+V0//EN&language=EN>

⁶ Statement by His Excellency Mr Roderick Van Schreven, Ambassador, Permanent Representative of the Kingdom of the Netherlands on behalf of the European Union to 23rd meeting of the 32nd session of the Human Rights Council, 22 June 2016.

⁷ http://eeas.europa.eu/china/docs/joint_communication_to_the_european_parliament_and_the_council_-_elements_for_a_new_eu_strategy_on_china.pdf

- either withdraw the recently adopted National Security Law, Counterterrorism Law, FNGO Law and draft Cyber Security Law, or at a minimum review and extend the implementation date to allow time to substantially revise the laws, and ensure that the implementing regulations and guidance for these laws are in compliance with international human rights standards;
- stop the criminal prosecution and persecution of individuals and groups, including Tibetans, Uighurs, Mongolians and other ethnic minorities, for exercising their rights to freedom of expression, religion and belief;
- strictly follow the *non-refoulement* principle and stop forcibly transferring, either directly or indirectly, any individuals to any country or jurisdiction where they are at real risk of persecution, torture or other ill-treatment, death or other serious human rights violations or abuses and stop pressuring other countries, such as Thailand, Malaysia and Cambodia, to forcibly return individuals to China in violation of international law.

We thank you for your attention and engagement on the human rights concerns raised above, and stand ready to provide any further information you may require.

Yours sincerely,

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FIDH

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EU Policy Director
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Cc:

Mr. Jean-Claude Juncker, President of the European Commission

Ms. Federica Mogherini, High Representative on Foreign Policy and Vice President of the Commission (HR/VP)

Mr. Igor Driesmans, Member of Cabinet, HR/VP

Ms. Alina Butuliga, Member of Cabinet of the President of the European Council

Mr. Ellis Mathews, Head of China Division, European External Action Service (EEAS)

Ms. Joelle Hivonnet, Senior Policy Officer, China, EEAS

Ms. Friederike Tschampa, Policy Officer, Human Rights and Multilateral Diplomacy, EEAS

Mr. Stavros Lambrinidis, EU Special Representative for Human Rights

Ms. Caroline Stein, Political advisor to the EU Special Representative for Human Rights

Mr. Jo Leinen, Member of European Parliament, Chair of Delegation for Relations with the People's Republic of China

Council Working Groups on Asia (COASI) and Human Rights (COHOM)