

Appendix I: Human Rights Watch Letter to Chinese Foreign Minister Wang Yi

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July 31, 2017

Wang Yi
Foreign Minister
Ministry of Foreign Affairs
No. 2, Chaoyangmen Nandajie,
Chaoyang District, Beijing, 100701
People's Republic of China
Tel: +86 10 6596 1114
Fax: +86 10 6559 1516

Re: China's involvement in United Nations human rights mechanisms

Dear Minister Wang,

Human Rights Watch is an independent nongovernmental organization that monitors human rights in more than 90 countries around the world. We are currently preparing a report on China's influence on United Nations human rights mechanisms. The report focuses on the extent to which China is complying with or undermining the human rights mechanisms, including treaty bodies and the Universal Periodic Review, as well as alleged efforts to obstruct independent Chinese civil society organizations from participating in those mechanisms.

We would appreciate your responses to the questions below, as well as any additional information you wish to provide us on this issue, so that they can be reflected in our report. Human Rights Watch strives to ensure the accuracy of our research and look forward to your response. Considering our publishing schedule, we would appreciate receiving your response by August 21, 2017, sent to me by email at richars@hrw.org or by fax to 1-202-612-4333.

Thank you for your attention to this matter, and we look forward to hearing from you.

Sincerely,



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Sophie Richardson
China Director
Human Rights Watch

Questions:

1. Human Rights research found that your government has on numerous occasions sought to prevent independent civil society groups and activists from China from engaging with UN human rights mechanisms. Please comment.
2. Human Rights research found that your government has repeatedly inquired of the Office of the UN High Commissioner for Human Rights about the participation and accreditation of Chinese citizens and others focused on China at UN Human Rights Council sessions. What does your government do with such information?
3. What was China's response to concerns raised by successive Presidents of the Human Rights Council regarding the death of Chinese human rights advocate Cao Shunli in March 2014?
4. Has the Chinese government declined to issue passports to independent Chinese activists seeking to interact with UN human rights mechanisms? If so, in what circumstances, and why?
5. Did the Chinese government request the specific arrangements that the UN put in place for President Xi's January 2017 speech at the UN complex in Geneva, including restricting access by nongovernmental organizations?
6. Does the Foreign Ministry instruct or otherwise encourage its diplomats in Geneva and New York to photograph without permission individuals engaging with UN mechanisms? If so, why? If not, what steps are in place to discourage such conduct?
7. Does China use its position on the ECOSOC NGO committee to block accreditation of organizations critical of the Chinese government? Why does China ask the same questions of the same organization at multiple sessions, particularly when the question has been answered? Why does China not pursue a similar approach with organizations that appear affiliated with the government?

8. Does the Foreign Ministry instruct or otherwise encourage diplomats to have contact with treaty body staff in a manner that violates UN guidelines? If so, why? If not, what steps are in place to discourage such conduct?
9. Why has your government not issued standing invitations to many Special Procedures mandate holders? Why does the government prevent Special Procedures from travelling independently and meet freely with organizations or people of interest to them in China?
10. Will your government allow independent organizations across the country to participate in the development of China's 2018 Universal Periodic Review (UPR) report? What steps will your government take to prevent officials from harassing, intimidating, or prosecuting individuals who try to offer critical assessments of China's human rights record as part of the UPR process?

Appendix II: Human Rights Watch Letter to the Executive Office of the Secretary-General

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August 3, 2017

Re: China and UN Human Rights Mechanisms

To the Executive Office of the Secretary-General,

We at Human Rights Watch are currently preparing a report on efforts by the government of China to undermine key United Nations human rights mechanisms. The report examines the extent of improper Chinese government interference with civil society organizations, including voices critical of China, UN special procedures and treaty bodies, and entities such as the UN Human Rights Council.

We would appreciate your responses to the questions below, as well as any additional information you wish to provide us on this issue, so that they can be reflected in our report. Human Rights Watch strives to ensure the accuracy of our research and looks forward to your response. In light of our plan to publish the report in early September, we would appreciate receiving your response by August 21, 2017, sent to me by email at richars@hrw.org or by fax at 1-202-612-4333.

Once the report is published my colleagues and I would look forward to your feedback and ideas about improving the ability of civil society organizations to participate in the activities and work of the United Nations.

Thank you for your attention to this matter, and we look forward to hearing from you.



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Sincerely,



Sophie Richardson
China Director
Human Rights Watch

QUESTIONS FOR THE EXECUTIVE OFFICE OF THE SECRETARY-GENERAL

1. What human rights issues have been raised with China by the Secretary-General or other UN officials in the Executive Office of the Secretary-General since January 1, 2017, and how has the EOSG followed up on those issues with China?
2. How would you assess the implementation of Human Rights Up Front with respect to China? Has it been effective?
3. Is the UN considering any specific new measures to better protect civil society activists from harassment while participating in UN human rights mechanisms on UN premises? If so, what specific types of measures?
4. In the case of the April 2017 removal from the UN compound of accredited Uyghur activist Dolkun Isa, has the Executive Office of the Secretary-General taken any steps to investigate or follow up on the civil society complaint sent to the Secretary-General's office? Has the Assistant Secretary General with responsibility for reprisals taken up Isa's case? Were concerns about his removal raised with the Chinese delegation? What role did the Department of Economic and Social Affairs, led by senior Chinese diplomat Wu Hongbo, and specifically the NGO Branch, play in the decision to remove Isa?

Appendix III: Response Letter from the Executive Office of the Secretary-General

30 August 2017

(1) What human rights issues have been raised with China by the Secretary-General or other UN officials in the Executive Office of the Secretary-General since January 1, 2017, and how has the EOSG followed up on those issues with China?

(2) How would you assess the implementation of Human Rights Up Front with respect to China? Has it been effective?

The Secretary-General undertakes both private and public diplomacy on human rights issues. This is a key area of priority for the Secretary-General who has on a number of occasions, notably in his remarks to both the Human Rights Council and to the Security Council earlier this year, underscored that the protection and promotion of human rights is the most important tool for prevention. Human Rights-related issues are being regularly reviewed at the Executive Committee's meetings, chaired by the Secretary-General.

The Secretary-General has full confidence in the Office of the High Commissioner for Human Rights (OHCHR) and fully supports the Office's engagement on country-specific human rights concerns.

The Secretary-General has reiterated his commitment to Human Rights up Front, including through a recent letter to all United Nations staff. The Initiative is central to the Secretary-General's vision of fostering an integrated cross-pillar approach that sees sustainable development, peace and security and human rights efforts joined up to prioritize prevention and identify constructive system-wide entry points to react earlier, and more effectively, to human rights concerns.

EOSG continues to identify constructive entry points to address human rights issues, including within the framework of the Sustainable Development Goals (SDGs). We look forward to our continued cooperation with leading civil society organizations such as

Human Rights Watch and to your suggestions on possible points of collaboration.

(3) Is the UN considering any specific new measures to better protect civil society activists from harassment while participating in UN human rights mechanisms on UN premises? If so, what specific types of measures?

(4) In the case of the April 2017 removal from the UN compound of accredited Uyghur activist Dolkun Isa, has the Executive Office of the Secretary-General taken any steps to investigate or follow up on the civil society complaint sent to the Secretary-General's office? Has the Assistant Secretary General with responsibility for reprisals taken up Isa's case? Were concerns about his removal raised with the Chinese delegation? What role did the Department of Economic and Social Affairs, led by senior Chinese diplomat Wu Hongbo, and specifically the NGO Branch, play in the decision to remove Isa?

The Secretary-General has been emphatic that Member States must ensure that human rights defenders are able to engage with the United Nations without fear of reprisal. Acts of intimidation and reprisals against those seeking to cooperate or having cooperated with the United Nations are unacceptable.

The upcoming report of the Secretary-General to the thirty-sixth session of the Human Rights Council on Cooperation with the United Nations, its representatives and mechanisms in the field of human rights (pursuant to Human Rights Council resolution 12/2) will highlight recent developments within the United Nations system on the issue of reprisals and present the activities and efforts of the system to address intimidation and reprisals against those seeking to cooperate - or having cooperated - with the United Nations, its representatives and mechanisms on human rights.

Moreover, as this is a system-wide endeavor, the Office of the High Commissioner for Human Rights (OHCHR) will be best placed to provide further input on the measures adopted by the various human rights mechanisms to this end.

As far as the case of Mr Isa is concerned, EOSG is fully aware of the situation. A well-established procedure, incorporating the necessary safeguards, is in place to address such incidents should they arise in the future.

Appendix IV: Human Rights Watch Letter to the Office of the United Nations High Commissioner for Human Rights (OHCHR)

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July 31, 2017

High Commissioner Zeid Ra'ad Al Hussein
Office of the UN High Commissioner for Human Rights
Palais Wilson
52 rue des Pâquis
CH-1202 Geneva, Switzerland

Re: China's involvement in United Nations human rights mechanisms

Dear High Commissioner Zeid,

Human Rights Watch is an independent nongovernmental organization that monitors and reports on human rights in more than 90 countries around the world. We are currently preparing a report on efforts by the government of China to undermine key United Nations human rights mechanisms. The report examines the extent of improper Chinese government interference with civil society organizations, including voices critical of China, UN special procedures and treaty bodies, and entities such as the UN Human Rights Council.

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Once the report is published my colleagues and I would look forward to your feedback and ideas about improving the ability of civil society organizations to participate in the activities and work of the United Nations.

Thank you for your attention to this matter, and we look forward to hearing from you.

Sincerely,



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Sophie Richardson
China Director
Human Rights Watch

Questions:

1. Please clarify the process by and timetable on which the Office receives and responds to requests for information from governments about individuals accredited to a particular session of the Human Rights Council.
2. What measures has your office taken or is considering taking to better protect civil society activists from harassment and intimidation by member states while participating in UN human rights mechanisms. Would you support the creation of an NGO liaison within the UN security units that is responsible for protecting NGO representatives at the UN from such harassment and intimidation?
3. What mechanisms exist for special procedures mandate holders to report harassment or intimidation by states under consideration? What measures has your office taken or is considering with respect to member states that seek to undermine special procedure visits, such as detailed by Special Rapporteur on extreme poverty Philip Alston during his August 2016 visit to China?
4. Building on your report to the 35th session of the Human Rights Council in June 2017, what steps should be taken to better systematize discussion of persistent non-cooperation or obstruction by member states?
5. Please describe the process by which the Assistant Secretary General will investigate and respond to complaints of alleged reprisals by governments against civil society groups at the UN. What steps are being taken to publicize the process for submitting complaints of reprisals. What steps will your office take regarding countries alleged to have committed reprisals or that provide an unsatisfactory response to such allegations?

Appendix V: Response Letter from the Office of the United Nations High Commissioner for Human Rights (OHCHR)

NATIONS UNIES
DROITS DE L'HOMME
HAUT-COMMISSARIAT



UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

REFERENCE:

30 August 2017

Dear Ms. Richardson,

I write to thank you for your letter dated 31 July 2017, informing us about the upcoming release of a Human Rights Watch report on China's engagement with UN human rights mechanisms.

Protecting, sustaining and expanding civil society space is a core part of OHCHR's activities. My Office shares information, lessons learned and best practices with civil society actors and human rights defenders; builds their capacities and provides practical tools; facilitates civil society engagement with United Nations human rights mechanisms; and fosters dialogue between State actors and civil society.

Practical examples of protecting and promoting civil society space are illustrated in my report on the civil society space (A/HRC/32/20), submitted to the June 2016 Human Rights Council session. In that document, we have articulated practical recommendations for the creation and maintenance of a safe and enabling environment for civil society summarized along the following five broad areas: (1) a supportive legal framework and effective access to justice; (2) a conducive public and political environment; (3) access to information; (4) participation in policy development, planning and decision-making; and (5) long-term support and resources for civil society.

In turn, I would be very interested in Human Rights Watch's concrete recommendations about improving the ability of civil society actors to cooperate with UN human rights mechanisms.

With regard to the specific questions you have asked, please find attached some thoughts and feedback in the attached annex.

Yours sincerely,

Zeid Ra'ad Al Hussein
High Commissioner for Human Rights

Ms. Sophie Richardson
China Director
Human Rights Watch
1630 Connecticut Ave NW, Suite 500
Washington, DC 2009
United States of America

Annex

Question 1:

Prior to regular sessions of the Human Rights Council, the Secretariat often receives communications from States, including from 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. The Secretariat transmits these requests to the Safety and Security Service of the United Nations Office at Geneva, who are responsible for the security of all participants of the Human Rights Council sessions at the Palais des Nations, for their assessment. 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. The individuals referred to in the communications from the State are free to seek accreditation and/or attend the sessions of the Council should they wish to do so.

Question 2:

There exists active cooperation and coordination between the United Nations Office in Geneva (NGO Liaison and Security) and OHCHR to prevent and address cases of intimidation, harassment or reprisals against civil society representatives engaging with the human rights mechanisms in Geneva.

On this note, the Human Rights Council in its resolution 32/31 of 20 July 2016, requested OHCHR to "prepare a report compiling information on the procedures and practices in respect of civil society involvement with regional and international organizations, including United Nations bodies, agencies, funds and programmes, and the contribution of civil society to their work and challenges and best practices, and in that regard to continue to engage with and seek input from those organizations and entities, as well as the views of States, national human rights institutions, civil society and other stakeholders." This report will be submitted to the thirty-eighth session of the Human Rights Council in June 2018, for further consideration.

Question 3:

Human Rights Council special procedures mandate-holders have regularly raised serious concerns about acts of intimidation and reprisal against those cooperating with the United Nations in the field of human rights, in particular with special procedures. Individuals and groups have experienced different forms of reprisals while cooperating with special procedures, such as harassment, including inside United Nations premises, smear campaigns, threats against the life of individuals and their family, arbitrary arrest, (*incommunicado*) detention and prosecution on the basis of false charges, as well as physical attacks and even killings. The majority of such cases involved alleged acts of intimidation and reprisal for cooperation with mandate holders in relation to their country visits and communications procedure.

OHCHR supports Special Procedures in all aspects of their work and provides assistance in cases of alleged acts of intimidation and reprisals for cooperation with them. Information about these cases is systematically shared with OHCHR and appropriate action is taken in consultation with the mandate holders concerned. OHCHR's field presences play a crucial role in this context, in particular in following up on the situation in countries visited by mandate holders.

Various initiatives have been developed with special procedures to address these cases, including raising systematically reported cases of reprisals with the State concerned and when necessary with the President of the Human Rights Council, or with the High Commissioner for Human Rights. Mandate holders have also used communications, public statements, press releases, official reports or meetings with various stakeholders to express their grave concern for all acts of intimidation and reprisal. These cases are also reflected in the report of the Secretary-General on "Cooperation with the United Nations, its representatives and mechanisms in the field of human rights" that OHCHR prepares annually.

The Coordination Committee of Special Procedures regularly raises this issue, in particular with the President of the Human Rights Council, with the Secretary-General and with OHCHR. Furthermore, the issue of reprisals has been systematically discussed during the annual meetings of Special Procedures. In 2015, OHCHR assisted Special Procedures in developing a coordinated response to any act of intimidation and reprisals. Special Procedures adopted standard operating procedures outlining steps to be taken to enhance their response when faced with cases of intimidation and reprisals and established a focal point within the Coordination Committee. A section on reprisals is now systematically included in the annual report of Special Procedures presented at the March session of the Human Rights Council. A dedicated webpage on reprisals against those cooperating with Special Procedures has also been developed and explains the actions of the mechanisms in this context:
<http://www.ohchr.org/EN/HRBodies/SP/Pages/Actsofintimidationandreprisal.aspx>

Special Procedures also cooperate closely with the Assistant Secretary-General for Human Rights in his capacity as United Nations senior official to put an end to reprisals for cooperation with the United Nations as elaborated further below.

Question 4:

The High Commissioner for Human Rights and OHCHR are committed to keeping the discussion on non-cooperation or obstruction alive and dynamic, and to maintaining regular interaction with Member States both bilaterally and at times publicly. In the High Commissioner's update to the thirty-fifth session of the Human Rights Council in June 2017, he pledged that he would expand this discussion at a coming session of the Council.

As stated in the High Commissioner's address to the Human Rights Council in June 2017, OHCHR is determined to do everything in its capacity to ensure full implementation of recommendations from all human rights mechanisms, including, in the third round of the Universal Periodic Review, through suggesting lines of action. OHCHR will continue to engage with the United Nations Country Teams, with the Human Rights Council's Presidency and others to ensure that recommendations feed into their work.

Question 5:

Situations where the Assistant Secretary-General for Human Rights has taken action in his capacity as United Nations senior official to put an end to reprisals for cooperation with the United Nations – and where there is no prevailing reason related to security or confidentiality – will be mentioned in the annual report of the Secretary-General on “Cooperation with the United Nations, its representatives and mechanisms in the field of human rights.” The Assistant Secretary-General, Mr. Andrew Gilmour, will present this year’s report to the thirty-sixth session of the Human Rights Council, likely on 20 September 2017. Additional information on cases and action taken, responses received, or lack thereof, by concerned Governments will be described in the annex to the report.

The Assistant Secretary-General has raised specific urgent cases, persistent patterns of intimidation and reprisals, situations where action by other actors has not produced any tangible change, and other incidents that occurred at United Nations headquarters and during field visits. He has addressed specific situations and individual cases with Member States both through intergovernmental fora and quiet diplomacy with concerned Governments, including with Permanent Missions in New York. He has also raised concerns about intimidation and reprisals at the Human Rights Council, the Security Council and the Peacebuilding Commission.

In rolling out the activities of this new function as senior official, the Assistant Secretary-General is seeking to ensure direct engagement with Member States to discuss specific cases of concern. At this stage of the mandate, and in view of certain sensitivities, it is considered by the Office that a non-public approach is preferable. A more public approach, including through statements, could be pursued at a later stage if deemed necessary.

Follow up to cases mentioned in the annual report of the Secretary-General and in other contexts will be a priority in the coming months, whether through addressing cases in writing, in bilateral meetings, or during country visits.

Additionally, to ensure visibility and accessibility of the designated mandate on intimidation and reprisals and the work of the United Nations human rights mechanisms in this regard, a dedicated website was launched in June 2017, including information on how to submit information to relevant bodies. Special Procedures have also launched their own page on this issue. A specific email address has been created (reprisals@ohchr.org) to which civil society organizations and victims and their family members can submit information on acts of intimidation and reprisals. It is important to note that the Assistant Secretary-General will only raise a case upon receiving clear indications of informed consent by the individual concerned or his representative.

Finally, in July 2017, a video (see “UN Official leads efforts on intimidation and reprisals against those helping the UN on human rights”) was posted on the OHCHR website, which briefly describes the mandate and role of the Assistant Secretary-General and publicizes the designated email address. These various efforts to globally raise the visibility of the mandate are essential to empower affected individuals to come forward and share their concerns.

Appendix VI: Human Rights Watch Letter to the Chair of Treaty Bodies

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James Ross, *Legal & Policy Director*
Hassan Elmasry, *Co-Chair*
Joel Motley, *Co-Chair*

July 31, 2017

Ms. Virginia Bras Gomes
Chairwoman
United Nations Treaty Bodies
Palais Wilson
52 rue des Pâquis
CH-1201 Geneva, Switzerland

Re: China's involvement in United Nations human rights mechanisms

Dear Chairwoman Gomes,

Human Rights Watch is an independent nongovernmental organization that monitors and reports on human rights in more than 90 countries around the world. We are currently preparing a report on efforts by the government of China to undermine key United Nations human rights mechanisms. The report examines the extent of improper Chinese government interference with civil society organizations, including voices critical of China, UN special procedures and treaty bodies, and entities such as the UN Human Rights Council.

We would appreciate your responses to the questions below, as well as any additional information you wish to provide us on this issue, so that they can be reflected in our report. Human Rights Watch strives to ensure the accuracy of our research and looks forward to your response. In light of our plan to publish the report in early September, we would appreciate receiving your response by August 21, 2017, sent to me by email at richars@hrw.org or by fax at 1-202-612-4333.

Once the report is published my colleagues and I would look forward to your feedback and ideas about improving the ability of civil society organizations to participate in the activities and work of the United Nations.

Thank you for your attention to this matter, and we look forward to hearing from you.



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Sincerely,



Sophie Richardson
China Director
Human Rights Watch

Questions:

1. What measures are in place or are being considered to improve the ability of nongovernmental organizations and civil society activists to submit information to the treaty bodies without harassment, intimidation, or other forms of reprisal by the state party under review?
2. What measures are in place or are being considered to support NGOs and civil society activists who have been harassed or intimidated by member states or obstructed from participating in the work of the treaty body? What steps are taken with respect to the member states who commit such actions?

Appendix VII: Response Letter from the Chair of Treaty Bodies

Dear Ms. Richardson,

I wish to acknowledge with thanks receipt of your letter dated 31 July 2017.

As you are aware, the human rights treaty bodies take very seriously the issue of reprisals against any stakeholders cooperating with them. For this reason the Chairpersons of all treaty bodies endorsed in 2015 the Guidelines against Intimidation or Reprisals (“San José Guidelines”).

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=HRI/MC/2015/6&Lang=en).

These Guidelines provide measures for each treaty body to take action when necessary in order to prevent and protect persons from reprisals in the context of its own work but also within the larger United Nations framework to protect individuals and groups from reprisals when cooperating with the organization. Every year, the Annual meeting of Treaty Bodies' Chairpersons includes a standard item in its program of work on the update of the implementation of the San José Guidelines.

The human rights treaty bodies enormously value the long-standing contribution of civil society organizations to their work. In fact, we are fully convinced that we would not be able to fully discharge our functions without the systematic cooperation of CSOs. We have made all efforts to ensure that there is no negative interference with this cooperation and we can assure you we will continue to do so.

I thank you for your kind interest in the work of the human rights treaty bodies and for all your support.

Yours sincerely,

Virgínia Brás Gomes

Técnica Superior



Gabinete Diretor-Geral

Chair UN Committee on Economic, Social and Cultural Rights

Virginia.B.Gomes@seg-social.pt

Largo do Rato, 1 - 1269-144 - Lisboa

Tel: (+351) 21 595 29 90 | Voip: 32005 | Fax: (+351) 21 595 29 92

Se recebeu esta mensagem por engano, por favor avise o remetente e elimine-a de imediato.
Antes de imprimir pense na sua responsabilidade e compromisso com o MEIO AMBIENTE.

Appendix VIII: Human Rights Watch Letter to the Economic and Social Council (ECOSOC)

350 Fifth Avenue, 34th Floor
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Fax: 212-736-1300; 917-591-3452

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Joel Motley, *Co-Chair*

July 31, 2017

Mr Navid Hanif
Director, Office for ECOSOC Support and Coordination
Department of Economic and Social Affairs
United Nations Secretariat Building
405 East 42nd Street
New York, NY 10017, USA

CC:

Ms. Leslie Wade
Chief, ECOSOC and Interorganizational Cooperation Branch
Office for ECOSOC Support and Coordination
Department of Economic and Social Affairs

Mr. Alberto Padova
Officer-in-Charge, NGO Branch
Office for ECOSOC Support and Coordination
Department of Economic and Social Affairs

Re: China's involvement in United Nations human rights mechanisms

Dear Director Hanif,

Human Rights Watch is an independent nongovernmental organization that monitors and reports on human rights in more than 90 countries around the world. We are currently preparing a report on efforts by the government of China to undermine key United Nations human rights mechanisms. The report examines the extent of improper Chinese government interference with civil society organizations, including voices critical of China, UN special procedures and treaty bodies, and entities such as the UN Human Rights Council.

We would appreciate your responses to the questions below, as well as any additional information you wish to provide us on this issue, so that they can be reflected in our report. Human Rights Watch strives to ensure the accuracy of our research and looks forward to your response. In light of our plan to publish the report in early September, we would appreciate

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receiving your response by August 21, 2017, sent to me by email at richards@hrw.org or by fax at 1-202-612-4333.

Once the report is published my colleagues and I would look forward to your feedback and ideas about improving the ability of civil society organizations to participate in the activities and work of the United Nations.

Thank you for your attention to this matter, and we look forward to hearing from you.

Sincerely,



Sophie Richardson
China Director
Human Rights Watch

Questions:

1. As you know, there has long been a problem with legitimate NGOs struggling to get UN accreditation and being in a kind of limbo for years. What measures have you taken or are considering regarding tactics used by some UN member states on the Committee on Non-Governmental Organizations (NGOs) to block or stall the accreditation of legitimate NGOs?
2. How can ECOSOC and its members best ensure that accreditation applications are considered objectively on their merits and not deferred repeatedly for improper reasons?

Appendix IX: Human Rights Watch Letter to the President of the Human Rights Council

350 Fifth Avenue, 34th Floor
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July 31, 2017

Ambassador Joaquin Alexander Maza Martelli
President of the Human Rights Council

Re: China's involvement in United Nations human rights mechanisms

Dear Ambassador Maza Martelli,

Human Rights Watch is an independent nongovernmental organization that monitors and reports on human rights in more than 90 countries around the world. We are currently preparing a report on efforts by the government of China to undermine key United Nations human rights mechanisms. The report examines the extent of improper Chinese government interference with civil society organizations, including voices critical of China, UN special procedures and treaty bodies, and entities such as the UN Human Rights Council.

We would appreciate your responses to the questions below, as well as any additional information you wish to provide us on this issue, so that they can be reflected in our report. Human Rights Watch strives to ensure the accuracy of our research and looks forward to your response. In light of our plan to publish the report in early September, we would appreciate receiving your response by August 21, 2017, sent to me by email at richars@hrw.org or by fax at 1-202-612-4333.

Once the report is published my colleagues and I would look forward to your feedback and ideas about improving the ability of civil society organizations to participate in the activities and work of the United Nations.

Thank you for your attention to this matter, and we look forward to hearing from you.

Sincerely,



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Sophie Richardson
China Director
Human Rights Watch

To the President of the Human Rights Council:

1. What measures does your office take to address reprisals by member states against nongovernmental organizations and civil rights activists seeking to engage in the work of the Human Rights Council?
2. What steps has your office taken to ensure that China adequately accounts for the March 2014 death of Cao Shunli, who was prevented from taking part in a training related to China's Universal Periodic Review?
3. What steps does your office take if a member state fails to provide an adequate response to a concern regarding an alleged reprisal?
4. What further measures is your office considering to better protect human rights defenders from possible government reprisals?

Appendix X: Human Rights Watch Letter to the UN Coordination Committee of Special Procedures

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July 31, 2017

Special Rapporteur Yanghee Lee
Chairwoman
United Nations Coordination Committee of Special Procedures
Palais Wilson
52 rue des Pâquis
CH-1201 Geneva, Switzerland



HRW.org

Re: China's involvement in United Nations human rights mechanisms

Dear Special Rapporteur Lee,

Human Rights Watch is an independent nongovernmental organization that monitors and reports on human rights in more than 90 countries around the world. We are currently preparing a report on efforts by the government of China to undermine key United Nations human rights mechanisms. The report examines the extent of improper Chinese government interference with civil society organizations, including voices critical of China, UN special procedures and treaty bodies, and entities such as the UN Human Rights Council.

We would appreciate your responses to the questions below, as well as any additional information you wish to provide us on this issue, so that they can be reflected in our report. Human Rights Watch strives to ensure the accuracy of our research and looks forward to your response. In light of our plan to publish the report in early September, we would appreciate receiving your response by August 21, 2017, sent to me by email at richars@hrw.org or by fax at 1-202-612-4333.

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Thank you for your attention to this matter, and we look forward to hearing from you.

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Sincerely,

A handwritten signature in black ink, appearing to read 'Sophie Richardson', with a stylized, flowing script.

Sophie Richardson
China Director
Human Rights Watch

Questions:

1. What mechanisms exist for Special Procedures mandate holders to report harassment or intimidation by member states with which they interact, or in the course of country visits?
2. What measures are you adopting or considering to address cases of persistent non-cooperation by member states with Special Procedures?

Appendix XI: Response Letter from the UN Coordination Committee of Special Procedures



31 August 2017

Dear Ms. Richardson,

I would like to thank you for your letter addressed to my predecessor, Ms. Yanghee Lee, to whom I have the honour to succeed as Chairperson of the Coordination Committee of Special Procedures as of July 2017.

Given the centrality of cooperation and engagement for our mandates, special procedures cannot accept that those who cooperate with them are subject to reprisals or intimidation for doing so. Combating this phenomenon has been a priority for special procedures for years and several actions have been taken.

Special procedures have consistently raised their concerns about this unacceptable practice individually and as a system. In this context, special procedures not only address allegations of acts of intimidation and reprisal in relation to cooperation with them but with the wider United Nations system, its representatives and mechanisms in the field of human rights. They also address issues related to ensuring access to the United Nations, and raised concerns concerning the role played by the Committee on Non-Governmental Organizations in this context.

The Manual of Operations of Special Procedures contains several provisions related to reprisals (http://www.ohchr.org/Documents/HRBodies/SP/Manual_Operations2008.pdf, paragraphs 27, 35 and 65). In addition, as a result of the growing attention given to this phenomenon and the increasing instances of intimidation and reprisals observed by mandate holders, they agreed during their 22nd Annual Meeting, held in June 2015, to consolidate and enhance special procedures' response to this unacceptable practice by establishing a coherent framework for action, the main points of which can be found on a dedicated webpage (<http://www.ohchr.org/EN/HRBodies/SP/Pages/Actsofintimidationandreprisal.aspx>).

Mandate holders have used communications, public statements, press releases, reports and meetings with various stakeholders to express their grave concern at all such acts. For example, in 2016, special procedures addressed 61 such communications to 45 States and one non-State actor. In addition, some of these cases were followed by press releases in which mandate holders expressed their serious concerns over such practices. Cases addressed publicly by mandate holders are also included in the annual report of the Secretary-General on cooperation with the UN, its representatives and mechanisms in the field of human rights presented to the Human Rights Council (see latest report A/HRC/33/19).

In accordance with the modalities for an enhanced response to reprisals adopted in 2015, a member of the Coordination Committee is tasked to consistently look at the matter and allegations of reprisals are systematically raised with all concerned. This year again a focal point will be designated among the members of the new Coordination Committee.

The issue of intimidation and reprisals is systematically included in the agenda of the Annual meeting of special procedures and the focal point of the Coordination Committee present an overview of actions taken on cases of reprisal against those cooperating with special procedures and other United Nations and regional human rights mechanisms. A dedicated section on reprisals is also systematically included in the annual report of special procedures presented every year in March to the Human Rights Council. In presenting the latest report in March this year, my predecessor stated that acts of intimidation and reprisal remained undoubtedly of the most serious concern to mandate holders, and that such acts should be seen as not only aimed at preventing or stopping anyone from cooperating with them, but as an attack against the special procedures system as a whole.

In addition a dedicated webpage has been developed highlighting how special procedures deal with this issue.

(<http://www.ohchr.org/EN/HRBodies/SP/Pages/Actsofintimidationandreprisal.aspx>).

In 2016, mandate holders have also decided to update the terms of reference for country visits by mandate holders adopted in 1998, given that some of the terms were no longer in use, and to reflect developments since 1998 (see A/HRC/34/34/Add.1, chap. XIV or <http://www.ohchr.org/EN/HRBodies/SP/Pages/TermsOfReference.aspx>). These modifications also relate to reprisals.

The Coordination Committee, in consultation with the mandate holders concerned, also raises cases of reprisal as appropriate with various stakeholders, including the Secretary-General, the High Commissioner, the President of the Human Rights Council and civil society. After calling for this move for a long time, special procedures are also particularly happy that the Assistant Secretary-General for human rights has been designated to lead the UN efforts in this regard and are cooperating closely with him.

With regard to the second question, persistent non-cooperation by Member States with special procedures is also a long-standing concern. This concern is underscored by mandate holders in various ways. For example, this was the subject of our joint statement on the occasion of the Human Rights Day in 2013. This is also a challenge that successive Chairpersons of the Coordination Committee have raised with the Council when presenting the annual report of special procedures. Last March, my predecessor stressed in particular that non-cooperation by States is still a serious and continued challenge. Some States don't cooperate at all while others choose to cooperate only with a selected few. This is a serious impediment to our ability to fulfil our mandates. Unfortunately such lack of cooperation does not necessarily come with consequences for the States concerned. Non-cooperation with human rights mechanisms should not remain unnoticed and the Council should look more closely into this issue and assist mandate holders in getting full cooperation from all States. This is also an issue that mandate holders regularly raise with States during the exchange of views with them during each of our Annual Meeting.

In this context initiatives such as the June statement of the High Commissioner to the Human Rights Council in which he highlighted cases of non- or selective cooperation with the UN human rights machinery are welcomed.

Our revamped annual report also contains information on the level of cooperation by States, including country visits, countries that have never been visited by a mandate holder, the response rate to communication per country, etc. Each mandate holder also draws public attention in their reports or other means to their requests to States and responses received. The webpages related to special procedures on the OHCHR website also contains useful information on cooperation such as pending requests for visits disaggregated by States.

I would like to stress the responsibility of the Human Rights Council in this context. The Council and Member States have established our mandates to assess their human rights situation and assist them in improving it. They therefore have the corresponding responsibility to respect our legitimacy, to cooperate with us fully and give due consideration to our recommendations. The Council should therefore find a more systematic way to address cases of non- or selective cooperation. This is in line with the Code of Conduct of Special Procedures which urges all States to cooperate with, and assist, the special procedures in the performance of their tasks and to provide all information in a timely manner, as well as respond to communications transmitted to them by the special procedures without undue delay. The resolution establishing the Council also highlights particular obligations of members of the Council in this regard.

The Committee has also a role to play in addressing cases of selective or persistent non-cooperation by States, including by raising the issue consistently with the President of the Human Rights Council, the High Commissioner and representatives of States. The current Committee will continue to look at ways to address this issue in a more systematic manner.

The capacity to engage with all concerned, be they State representatives, civil society, academic, regional bodies or other UN entities, is one of the added values of mandate holders. In doing so we offer to all stakeholders the unique opportunity to share their point of view and help us in making a fair assessment of the situation. For this to happen, full and unhindered cooperation with special procedures is necessary.

Sincerely yours,



Catalina Devandas Aguilar
Chairperson of the Coordination Committee of the Special Procedures

Ms. Sophie Richardson
China Director,
Human Rights Watch
1630 Connecticut Ave NW, Suite 500
Washington, DC 2009, United States of America