

A Joint Statement on The UN International Day in Support of Victims of Torture

- **Call for continued international attention to the problem of torture in China**
- **Call on China to fulfil its obligations as a State Party of CAT, including by enacting effective measures to prohibit all forms of torture.**

(26 June 2021 - Geneva/ Taipei) The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) entered into force on 26 June 1987. The day was designated as the UN International Day in Support of Victims of Torture in 1997.

This year marks the 34th anniversary of the CAT. On this occasion, we the undersigned issue this statement to call on the international community to stand united and resolute in tracking the issue of torture in China. This is essential to encouraging the Chinese government to face up to and act to address the challenges of human rights violations in the country.

China was among the first countries to ratify CAT. However, it has never demonstrated any determination to abolish torture, a worrying fact that has been raised by the UN experts on the issues of torture and inhuman treatment in their dialogues with the Chinese government. For example, the experts have repeatedly emphasised that as a signatory to CAT, China is required to define torture in accordance with international human rights standards and principles, to amend its criminal code and procedures, to regulate its executive and law enforcement powers, to develop statistics and database, as well as to build an effective mechanism for monitoring and accountability.

However, we regret to see that most, if not all, of these recommendations have been ignored, and the majority of torture victims in China fail to obtain any redress or remedy.

The Chinese government has instead maneuvered to reinforce its draconian penal code, expand its executive power in the name of the vague and broad terms of state security, and rationalise and legalise measures including 'residential surveillance in a designated location' and other forms of arbitrary and prolonged detentions, thereby allowing the perpetuation of torture. Torture victims are silenced and the overall judicial system is further distorted.

According to reports received from torture victims, while in custody they are subjected to torture and inhuman treatment such as physical assaults, beating, electric shocks, enforced prolonged fixed postures, solitary confinement, deprivation of sleep and food, verbal abuse, and threats and intimidation.

In this regard, we are deeply concerned about the recent reports that Beijing lawyer Ding Jiayi (丁家喜), legal scholar Xu Zhiyong (許志永), and Guangdong human rights defender Niu Tengyu (牛滕宇) have been tortured while in custody.

In addition, we continue to have concerns about the physical and psychological wellbeing of:

- Shaanxi human rights lawyer Chang Weiping (常瑋平), who has been detained incommunicado since October 2020 after disclosing his experiences being tortured earlier in the year,
- The Changsha 3 (長沙公益仁) – Cheng Yuan (程淵), Liu Yongze (劉永澤) and Wu Gejianxiong (吳葛健雄) – who have been detained incommunicado since July 2019;
- The young feminist and researcher Li Qiaochu (李翹楚) who was formally arrested in March in Beijing, and
- Rights lawyer Yu Wensheng (余文生), now serving 4-year imprisonment in Nanjing.

Except for Niu Tengyu, all the above-named have been accused of state security-related crimes; this has legally limited their access to legal counsel and increased their vulnerability to torture.

We wish to further point out that apart from targeting individual dissidents and rights defenders, recent reports have also disclosed that torture is systemically employed to subjugate the ethnic minorities in Xinjiang and as a tool of governance and suppression in other minority regions.

In light of these serious concerns, we call on the Chinese government to agree to cooperate fully with relevant UN human rights experts. This should mean, as a priority, allowing meaningful and unfettered access to international human rights experts, including the UN High Commissioner on Human Rights, to Uyghur, Kazakh, Hui, Kyrgyz, and other affected communities in Xinjiang without any further delay, while respecting her preconditions.

We reiterate our demands for Chinese government to uphold its obligations as a State Party to CAT and strive diligently to eliminate torture and inhuman treatment in the country by addressing proactively and seriously the concerns of the UN experts.

We reaffirm the international human rights principles and standards and call on China to reform its criminal procedures and mechanism accordingly:

1. Immediately release all lawyers, human rights defenders and all citizens whose detentions are not in compliance with criminal due process prescribed in international human rights standards,
2. Acknowledge the non-derogable nature of the right against torture and that it cannot be given a proviso under domestic law,
3. Incorporate into domestic law the definition of torture in compliance with CAT, and thereby amend the Criminal Procedure Law, including but not limited to removing arbitrary and prolonged detention and ensuring the right of access to lawyers of one's choosing etc.

4. Establish an accessible, transparent and effective complaint mechanism to ensure redress and remedy of torture victims, and ensure that perpetrators of torture are held legally accountable
5. Establish an independent committee of government and non-governmental experts to oversee the effective implementation of the CAT in China.

We the undersigned pledge to continue speaking up on the human rights situation in China and in joint efforts, we shall push for the elimination of torture in this country and around the world.

COSIGNATORIES

Organisations

- Amnesty International Taiwan (AI), TW
- Avocats Sans Frontieres (ASF)
- China Change, US
- China Against the Death Penalty (CADP), US
- China Political Prisoners Concern Group, HK
- Chinese Human Rights Defenders (CHRD), US
- Christian Solidarity Worldwide (CSW), UK
- Committee to Support Chinese Lawyers, New York, US
- Economic Democracy Union, Taiwan
- Foundation Day of the Endangered Lawyer, Netherland
- Front Line Defenders (FLD), Ireland
- Hong Kong Outlanders Executive Committee, Taiwan
- Human Rights Now (HRN), Japan
- Human Rights Watch (HRW), US
- International Service on Human Rights (ISHR), Switzerland
- International Tibet Network, USA
- Judicial Reform Foundation (JRF), Taiwan
- Lawyers for Lawyers (L4L), Netherland
- Lawyers' Rights Watch, Canada
- Leitner Center for International Law and Justice, New York, US
- Monitoring Committee on Attacks on Lawyers, France
- International Association of People's Lawyers (IAPL)
- New School for Democracy, Taiwan
- Taipei Bar Association, Taiwan
- Taiwan Alliance to End the Death Penalty, Taiwan
- Taiwan Association for Human Rights, Taiwan
- Taiwan Bar Association, Taiwan

- Taiwan Support China Human Rights Lawyers Network, Taiwan

Individuals

- Jean-Philippe BEJA, Research professor emeritus CNRS-CERI Sciences po, France
- Jerome A. COHEN, Professor of Law Emeritus, New York University, US
- Martin FLAHERTY, Visiting Professor, School of Public and International Affairs, Princeton University, US
- Eva PILS, Professor, Dickson Poon School of Law, King's College London, UK
- Stuart RUSSELL, Macquarie University School of Law, Australia (retired)
- TENG Biao, Pozen Visiting Professor, University of Chicago, US