

OFFICIAL BULLETIN - BULLETIN OFFICIEL

National Council • Spring session 2021 • Seventh session • 09.03.21 • 08h00 • 20.4334

20.4334

Postulate APK-N: Implementation report the bilateral human rights dialogue between Switzerland and China

CHRONOLOGY

[NATIONAL COUNCIL / CONSEIL NATIONAL 09.03.21](#)

Majority motion: Acceptance of the postulate

Request of the minority (Estermann, Aebi Andreas, Binder, Büchel Roland, Giacometti, Grüter, Köppel, Markwalder, Nidegger, Pfister Gerhard, Portmann, Wehrli): Rejection of the postulate

Fischer Roland (GL, LU), for the Commission: The present postulate of the Foreign Policy Commission instructs the Federal Council to submit a report to Parliament on the implementation of the bilateral human rights dialogue between Switzerland and China. This postulate is one of two postulates with which the Commission is responding to Petition 18.2020 of the Society for Threatened Peoples, “Protect the fundamental rights of Tibetans, also in Switzerland!” The second initiative on this petition is the postulate 20.4333, which demands a report from the Federal Council on the situation of Tibetans in Switzerland; we will discuss this proposal in another session.

Switzerland has been conducting a human rights dialogue with China since 1991. The intention to continue this dialogue was also reaffirmed in the context of the discussions on the free trade agreement with China, which entered into force in 2014. After these thirty years, and now that Switzerland has also gained initial experience with the free trade agreement, it is time to take stock. The Federal Council should show what has been achieved in the framework of the human rights dialogue in the areas of human rights, environmental protection and good governance. It should also comment on whether this dialogue should and can be continued in the same way, or whether adjustments will be necessary. It is also informative for the public to know how the Federal Council specifically proceeds in conducting the human rights dialogue. The report would undoubtedly also provide additional information for assessing the China strategy soon to be discussed. The motion for a postulate was not uncontroversial in the commission, but thanks to the casting vote of the President, it obtained majority.

A minority of the Commission therefore proposes that you reject the postulate. One argument against the submission of the postulate was that the Federal Council has already regularly presented in the past years in the Commission and in the discussion on the human rights foreign policy report on the human rights dialogue. There was therefore no need for another report. The topic should also be discussed with experts in the Commission, which by the way, the Commission has already done in the meantime. Nevertheless, a detailed report is necessary from the point of view of the majority of the Commission, because it is not only about the impact, but also to show how the Federal Council is proceeding concretely in the human rights dialogue. In addition, that the Federal Council in its statement on the above-mentioned petition referred precisely to this human rights dialogue. The Federal Council itself also proposes that you accept the postulate, for which I thank it on behalf of the Commission. The Federal Council intends to include this analysis in the framework of the China strategy and in the report on Switzerland's human rights foreign policy 2019-2022. On behalf of the majority of your Commission, I move that you accept the postulate.

Walder Nicolas (G, GE), for the commission: Since 1991, Switzerland and the Chinese government have been conducting a dialogue on human rights. Over the same period, our country has increased its trade with China and even signed a free trade agreement in 2013. In the face of much criticism from human rights activists, the Federal Council has often brandished this dialogue as proof that the country's existence of this dialogue proves that our country is expressing its concerns on this subject and that it is aware of its

responsibilities, it is seeking more than of its responsibilities, it is seeking more than a trade relationship. At the beginning of the 1990s, this dialogue was accompanied by the belief that China's economic growth would inevitably lead its government to embrace the principles of liberal democracies. From then on, this discussion space served to accompany this process, which would inevitably bear fruit one day. Over the years, and despite the increasing number of reports of abuses committed by the Chinese government against its minorities, the Federal Council has always tried to be reassuring. This dialogue, even if imperfect, allowed us to raise our concerns with the authorities in Beijing, and carried with it the hope of bringing China to reconsider its policy.

We know today that this has not been the case. At its meeting on November 9 and 10, 2020, our Foreign Policy Commission received a petition from a group of associations asking, among other things, that measures be taken to protect Tibetans in Switzerland and to guarantee their freedom of expression and movement. In response to this petition, our commission, by 12 votes to 12 with the casting vote of our president, decided to submit two postulates. The first one asks for a report on the situation of Tibetans and their organizations in Switzerland- we will deal with this postulate next week. The second postulate, the one we are talking about today, asks that, thirty years after its establishment, a report be drawn up on the bilateral human rights dialogue between Switzerland and China. It is as much a question of describing the functioning of this dialogue as of analysing its real impact. It is as much a question of describing the functioning of this dialogue as of analyzing its real impact on human rights in China. For, despite the statements of the Federal Council which continues to present this dialogue as open and constructive, human rights abuses have never ceased.

Worse still, in recent years, they seem to have increased sharply. The accusations of large-scale internment of Tibetans and Uighurs in labour camps are beyond belief. On the contrary, a minority of the commission felt that the situation was under control and that there was no need to pursue the issue within the commission, that there was no need to discuss the issue further in parliament. But the majority of the commission does not share this opinion and considers that such an assessment is necessary. It will provide us with answers to the too many questions in a process that is sorely lacking in transparency. Who is involved in the dialogue? What topics are being discussed? What are Switzerland's objectives with this dialogue? And of course: for what results? From the outside, these closed-door meetings look more like a screen to hide the abuses on the Chinese side, and on the Swiss side, they serve to wrap "business as usual" in a few ethical considerations.

Thus, for the majority of the commission, this postulate simply consists in asking for an evaluation in order to be able to respond to the criticisms. If it proves to be conclusive, this evaluation will be the occasion to put forward the progress that such a policy has made possible and thus silence the critics. And if this report determines that this dialogue is nothing more than window dressing, it will be an opportunity to rethink our strategy in all objectivity. For realpolitik does not consist in hiding from the unspeakable, but rather in daring to open our eyes to the realities and consequences of the realities and consequences of our choices. This is why, at a time when the Chinese government no longer hesitates to attack the universality of human rights before the United Nations, a majority of our commission has deemed it essential to dare to look into the way human rights are dealt with in China. Furthermore, the majority of the commission also felt that such a report was justified at a time when the government in Beijing is increasingly subject to criticism. Consequently, it will be increasingly difficult for Switzerland to justify full economic cooperation with an undemocratic government that subjects millions of people to forced labor and internment camps. In order to remain credible, it will be necessary to demonstrate that human rights issues are taken seriously as it deserves. On behalf of the commission, I invite you to opt for transparency by asking the Federal Council to report on the functioning and impacts of the human rights dialogue with China. Like all public policies, this strategy deserves to be analyzed and evaluated to see whether it is still the most adequate to achieve the desired goals.

Estermann Yvette (V, LU): During the consultation, we listened to experts. We then formed a minority because we do not agree that this postulate should be accepted. We reject this postulate as a minority. Why? Those interested in foreign policy and we in the Commission know what the Federal Council has already

done and will do in the human rights dialogue with China what can be done in the future. This means that this postulate is not absolutely necessary, which was also one of the reasons why our minority rejects this postulate. Read the petition! None of the petitioners' concerns are included in the postulate. I think that speaks for itself. Yes, Switzerland's commitment is on the ground, is here, is in various bodies, is international, is constant, is courageous and does not allow itself to be simply led down a different path by such postulates. The Federal Council knows what it is doing, and I am convinced that we can achieve much more and do much more for the minorities in China if we continue our good long-standing relations with China on the path of dialogue as we have done so far. The concern of the postulate could be dealt with much better in a topic motion, because we could then invite the experts, ask our questions directly and receive answers. For these reasons, I ask you to reject this unnecessary and superfluous postulate. Support the strong minority!

Cassis Ignazio, federal councillor: This postulate of the Foreign Policy Commission instructs the Federal Council to submit to Parliament a report concerning the implementation of the bilateral dialogue between Switzerland and China on human rights. Switzerland and China have been conducting a bilateral dialogue on this topic since 1991. So it is now thirty years that we have institutionalized this type of dialogue. The latter is one of the many instruments through which Switzerland discusses the issue of human rights with China. It would be wrong to believe that the issue of human rights, which concerns Switzerland and China, is concentrated in the bilateral dialogue. The defence of fundamental rights has long been an integral part of our policy towards China. The overall human rights situation in China has deteriorated in recent years. Switzerland regularly addresses this, as I said bilaterally, within the framework of this dialogue, but - and above all - multilaterally.

Many people in Switzerland are also concerned about the human rights situation in China. I often receive letters from citizens, for example about the oppression of the Uyghurs in Xinjiang or the restriction of freedom of expression in Hong Kong. The Federal Council therefore understands the request to take stock of the human rights dialogue. It therefore recommends the postulate. The postulate can be implemented within the framework of the China Strategy 2021-2024, which the Federal Council will soon be dealing with this strategy. Once it has been adopted, the Federal Council will, in accordance with Article 152 paragraph 3 of the Parliamentary Act, consult the foreign policy commission on this matter. Of course the Federal Council will also address the issue in the report on Switzerland's foreign policy on human rights as an annex to the foreign policy report and in other formats on human rights policy vis-à-vis the countries of the world, including China. But I believe that the China Strategy is the best vehicle to take stock of these last thirty years and to look ahead. A report after the China strategy would be too late, because it is precisely in the strategy that we define the goals and measures for the next four years.

President (Aebi Andreas, President): The Commission and the Federal Council request the acceptance of the postulates. A minority of Estermann requests that the postulate be rejected.

Vote - Vote

[\(by name - nominative; 20.4334 / 22524\)](#)

For acceptance of the postulate ... 94 votes

Against ... 65 votes

(1 abstention)

OFFICIAL BULLETIN - BULLETIN OFFICIEL

National Council • Spring session 2021 • Eleventh session • 03/15/21 • 2.30 p.m. • 8.4333

20.4333 Postulate APK-N. Report on the situation of the Tibetans in Switzerland

CHRONOLOGY

[NATIONAL COUNCIL / CONSEIL NATIONAL 03/15/21](#)

Majority motion: Acceptance of the postulate

Request of the minority (Estermann, Aebi Andreas, Binder, Büchel, Giacometti, Grüter, Köppel, Markwalder, Nidegger, Pfister, Portman, Wehrli) Rejection of the postulate

Fischer Roland (GL, LU), for the Commission: With the present postulate of the Foreign Policy Commission, the Federal Council is instructed to submit a detailed report to Parliament on the situation of Tibetans in Switzerland. In particular, the situation regarding freedom of expression and surveillance. This proposal is one of two initiatives with which the Commission is responding to Petition 18.2020 of the Society for Threatened Peoples entitled "Protect the fundamental rights of Tibetans, also in Switzerland!" The second initiative is the postulate 20.4334, which demands a report from the Federal Council about the human rights dialogue between Switzerland and China. You already adopted this second proposal last week. On October 7, 1950, one year after Mao Tse-tung had proclaimed the People's Republic of China, the People's Liberation Army marched into eastern Tibet with 40,000 men. In 1959, after a bloody popular uprising, the Dalai Lama and over 80,000 Tibetans fled to India. In the fall of 1960, the first group of refugees was accepted in Switzerland. In 1963, against the background of the Cold War, the Federal Council approved the admission of 1000 Tibetans to Switzerland. Today the approximately 4000 Tibetans in Switzerland form the largest Tibetan exile community in Europe. Even more than fifty years after the invasion of the Chinese army, human rights continues to be massively violated in Tibet. The long arm of the Chinese dictatorship, however, extends more and more to Europe as well. Already in the 2016 situation report of the intelligence service of the Confederation "Security Switzerland" it was pointed out that Switzerland had to take account of China's assertive and demanding behavior, especially with regard to the Tibetan exile community in Switzerland.

There are also indications from academia that China is monitoring the Tibetan and Uyghur diaspora in Switzerland, in addition to many measures of cultural and political influence in Switzerland. The fears of the Tibetan community in Switzerland that their freedom of expression and their privacy are increasingly restricted are therefore justified. As a country where human rights and the protection of minorities and persecuted persons are central, Switzerland cannot accept this situation. The Federal Council itself proposes that you accept the postulate, for which I thank it on behalf of the Commission.

The motion for the postulate was not uncontroversial in the Commission, but thanks to the casting vote of the President, it was approved by a majority. A minority of the Commission is therefore asking you to reject the postulate. The most important argument of the minority in the Commission was that the issues raised by the petition should be discussed in depth in the Commission itself. That is what the commission is doing. Nevertheless, in the view of the majority of the Commission, it is justified to have a detailed report prepared on this matter. This could undoubtedly also provide additional information for the assessment of the soon to-be-discussed China strategy. On behalf of the majority of the Commission, I propose that you accept the postulate.

Walder Nicolas (G, GE), for the committee: We were one of the first countries to welcome Tibetan refugees in the 1960s, and today the Tibetan community in Switzerland is one of the largest outside of Asia. However, despite the reassuring speeches and the warm welcome that has always been given to Tibetans in our country, their situation seems to have deteriorated in recent years. To the point that associations have

addressed a petition to our Parliament. This petition was dealt with by our Foreign Policy Commission during its meeting of 9 and 10 November 2020. In substance, this petition asks us to take measures to protect the Tibetans in Switzerland by guaranteeing their freedom of expression and movement because, according to the petitioners, the situation is worrying.

The limitations of the right to demonstrate and the police controls towards them in Switzerland are increasing, as well as the administrative constraints which, in certain cases, involve the Chinese representations. In addition, Tibetans in Switzerland regret what they consider to be a denial of their identity, i.e. since 2014 our government has refused to mention their Tibetan origin on the official document issued by our country. Finally, and most worryingly, Tibetans in Switzerland are concerned about their own security. Indeed, the surveillance by the Chinese authorities would increase and would be accompanied by more and more intimidation and threats.

While the human rights situation in China has largely deteriorated over the last ten years, spying and pressure on the diaspora has increased and pressure on Tibetan diasporas and other communities that have fled China also seem to be growing exponentially. This is because the People's Republic of China is at the forefront of what is being done in terms of tracing and spying on its population. Not for sanitary reasons, but to consolidate its power, and this is a total denial of freedoms and human rights. For many observers, this country is in the process of realizing the Orwellian nightmare, with, as a symbol of this generalized surveillance, the "social credit" system that has been in place for several years. In abroad, the increase in persecution of minorities, bellicose policies and repression whether in Hong Kong, Taiwan or on the border with India, are the most visible stigma of this policy. But the iron fist that rules China does not stop at its borders or its direct neighbors. It no longer hesitates to deploy its very intrusive means all over the world, in order to control the minorities on which it is trying to establish its domination.

This is indirectly confirmed by the situation report of the Swiss Federal Intelligence Service (SRC) in 2020, which is alarmed by the increase in espionage activities of the Chinese government on our territory. Throughout the report, the FIS points to this economic and political espionage, which directly affects Switzerland's interests and potentially compromises the security of our democratic institutions and international organizations. By stating in black and white in the report, on page 78, that "the Chinese services are also interested in the Uighur and Tibetan communities and their organizations in Swiss" the SRC lends credence to the security concerns of the petitioners. Since then, and in view of the converging testimonies of many members of Tibetan, Uighur or religious minorities, such as Falun Gong practitioners, the commission, by 12 votes to 12 with the casting vote of our president, has decided to support two postulates. The first one, voted by the majority of our chamber on March 9, asks that a report on the bilateral dialogue on human rights between Switzerland and China be established. The second, which we are discussing today, asks for a report on the situation of Tibetans and their organizations in Switzerland, because while the DFA was reassuring in commission, the SRC report and the testimonies of those concerned are, on the contrary, worrying. The majority of the committee therefore considered that it was our duty to ensure that the situation was under control and that Tibetans in Switzerland enjoyed the same security and freedom as all other inhabitants of our country. If this is the case, we will be reassured. If not, then we will have the opportunity to ask for adequate measures, because it is a regal function of our state to ensure the protection of all its inhabitants. I therefore invite you to follow the majority of the Foreign Policy Commission and to support this postulate.

Estermann Yvette (V, LU): A minority of the Foreign Policy Commission does not want this detailed report. Why? One concern of the petition is that Switzerland should talk to China about human rights and the rights of Tibetans. Switzerland is already doing that, so this point can be considered fulfilled. Another concern is that they ask Dalai Lama to be officially received in Switzerland. However, he does not hold any state office. What we as parliamentarians can do and have done, by the way - some of you were there a few years ago - is to receive the Dalai Lama here in the Federal Palace; that is possible. It is also possible that our cantonal authorities receive him. But since he does not hold any state office, he cannot be received officially.

There was also talk of freedom of expression in Switzerland. Ladies and gentlemen, freedom of expression (President of the National Council reminds the Council to be quiet) in Switzerland should apply to all citizens, otherwise we would have to refer many petitions by means of postulates, because other minorities or small representative groups of different peoples or nations live here. Consequently, freedom of expression applies to all and not only to Tibetans. In addition, we have heard that the name of China in various papers should also have alternatives. This, ladies and gentlemen, is also not possible, since Switzerland adheres to the correct designations under international law. Another concern of the petition was freedom of movement, i.e. that Tibetans here in Switzerland, for example, receive a passport. Here in this country, we all have to abide by certain rules, these rules also apply to the Tibetan population. We have assurances from other places in the administration that if it is really difficult, it will be evaluated on a case-by-case basis. We do not lump everyone together. In that respect, that is also fulfilled.

In addition, it is a matter of respecting the privacy of Tibetans. However, this must apply to all people, for all citizens of this country. We come to the conclusion that these demands have already been met or that they cannot be met at all. We therefore do not consider it necessary to accept this postulate.

For these reasons, the minority proposes that this postulate be rejected. I ask you to vote in favor of this motion.

Keller-Sutter Karin, Federal Councilor: The postulate instructs the Federal Council to submit a detailed report to the Foreign Policy Commission of the National Council, on the situation of Tibetans in Switzerland. This report should deal in particular with the freedom of expression of Tibetans in Switzerland and their protection from surveillance. This proposal is one of two postulates, as has already been mentioned, with which the Foreign Affairs Commission of the National Council has followed up on a petition calling for the protection of the fundamental rights of Tibetans in Switzerland.

The situation of the Tibetans has already been the subject of various initiatives in the past. The Federal Council is therefore prepared to examine the situation of these people in Switzerland in more detail and to present the results in a report. There are rumors, sometimes misinformation, and there are facts. Therefore, the Federal Council also has an interest in working through this. However, the Federal Council is of the opinion that such a report cannot consider all aspects of the situation of the Tibetan ethnic group in Switzerland, but must limit itself to the most important issues.

For a differentiated assessment of the situation of this ethnic group in Switzerland, the Federal Council considers it indispensable to take a closer look in particular at the situation regarding asylum and foreigners. In addition to the topics of freedom of expression and surveillance explicitly mentioned in the postulate, a report would, in the view of the Federal Council, address the following issues: The assessment of the need for protection of persons with Tibetan ethnicity in the asylum and expulsion procedure, the situation with the enforcement of expulsion and family reunification, the entitlement to travel documents and also the practice with hardship applications. Thus, the report would also cover the essential questions of the petition on which the postulate is based. The report requested by the postulate offers the opportunity to comprehensively illuminate central aspects of the situation of persons of Tibetan ethnicity in Switzerland and to get to the bottom of these questions. The Federal Council is therefore prepared to accept the postulate.

President (Aebi Andreas, President): The majority of the Commission and the Federal Council request the acceptance of the postulate. A minority of Estermann moves that the postulate be rejected.

Vote - Vote

[\(by name - nominative; 20.4333 / 22639\)](#)

For acceptance of the postulate ... 134 votes

Against ... 48 votes

(5 abstentions)