



**FAMILIES OF
THE MISSING**
no one disappears alone

April 28, 2024

Special Rapporteur on Unilateral Coercive Measures

Via Email

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Dear Special Rapporteur Douhan,

First and foremost, the draft document entitled “Guiding Principles on Sanctions, Compliance (Over-Compliance) and Human Rights” (hereinafter referred to as the “draft document”) produced by your efforts, is one of the best documents of this nature that I have read in the 26 years of my organization working with several UN agencies and organs. It is concrete, well written, very clear on the purpose, goals, and the implementation of the document.

I viewed the draft document in light of my organization’s work with individuals, government officials, UN organs, and other NGOs on matters affecting the rights and responsibility of civil society to address the multifaceted challenges families of missing persons confront in their efforts to remain united as a family and acquire information regarding the status of their missing family members. Often a missing member is the primary economic provider. Only through these efforts, can families then begin to stabilize as a family unit and continue in their journey to become self-sustaining, and once again productive members of society.

As stated within the draft document, often member states generate negative impacts leading to human rights abuses when UN sanctions of various natures have been imposed against the member state for their violations of international laws, the UN Charter, and the norms and principles governing peaceful relations among UN member States. Those individuals most targeted for the negative impacts are the vulnerable.

For many years Families of the Missing has received reports, and valid documentation from many sources that the government of China has endorsed the live harvesting of organs of individuals against their will. Most of these individuals fall within the protected classes as defined by the UN. It also should be noted that others not in protected classes, are also targets of this human rights abuse. Once a targeted person goes missing, no explanation of any kind is provided to their families. Any attempts by NGOs and UN Special Rapporteurs to address this issue on broader scales have not been successful to date. Open discussions and concrete responses to documented cases have been intentionally ignored by the Chinese government. It would be of great humanitarian concerns if you, as the Special Rapporteur, could raise questions about these allegations at your personal meetings with government officials in China. It does not surprise me that the Chinese government is concerned about the adoption of the draft document. I refer you to the following documents prepared and adopted by other UN Special Rapporteurs, which have no concrete responses:

Link to the Special Rapporteurs joint letter

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26382>;

Link to the Chinese government’s response

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36489>

The Declaration of Istanbul ([DoI](#)) is an important international initiative that outlines the standards for ethical transplantation practices. China has had representation on the DoI decision making group (the Declaration of Istanbul Custodian Group “DICG”) for the past few years. However, China has not signed the Declaration. Government officials from China should be asked why China has not signed the DoI. Their answers should provide great insight to your work.

It is quite curious why Chinese government officials fail to submit requested documentation such as hospital records, dates, and names of transplant donors. In Hong Kong the registry for liver transplants were public at one time but have since been shut down. All hospital records and registries relating to this issue should be open to the families. This is basic information, which also complies with the standards stated within the draft document proposed by your office. The families deserve nothing less. I am just providing only a few examples of these human rights abuses being conducted in China. There are more. I do want to address the 10 specific questions asked by you within the word limitations imposed upon our answers as well as our additional thoughts:

1. This document covers a lot of critical concepts grouped together. To make the title comprehensible, yet translatable to many languages keeping the meaning of the title, is a challenge. I would recommend something along the lines of “Inalienable Human Rights Protected Against all Negative Impact Responses by Governments Directly Resulting from UN Measures to Maintain Global Peace.”

2. The highest status must be attributed to this document for enforceability. The status has to be similar to the UDHRs. This is the tricky part. Not one word should be changed which will happen if it goes to Treaty, Convention, or a Declaration status. Yet, it has not been implemented for an argument for it to have “international common law” status as the exception that was made to the UDHR under traditional definitions of statutory law and common law.
3. I felt that the glossary terms were clear. Yet, the document could have included more basic definitions for clarity of terms. If requested, I can provide those at a later time. For example, negative impact responses by businesses entities, groups or individuals in those member states can be defined for purposes of this document as being under the control of the governments for responsibility purposes. It would be helpful to clarify terms that for decades the UN has confused in documents such as human rights vs. humanitarian rights of society during war. I have seen far too many UN documents fail for compliance by governments because of confused terminologies or words used in the wrong context.
4. My answer to this would be relevant once the definition of other terms to be included were decided.
5. Too often those of us who worked in the field are ignored. Small NGOs are ignored. Financial support for all NGOs has been restricted post Covid. With the international conflicts at hand, travel is not so affordable or advisable. Zoom calls often do not allow questions or input from viewers at the time of the presentation. Time zones often forbid some viewers to participate in the call at all. Many zoom calls are not taped for later viewing. So, my answer would be a combination of all the suggestions listed in your questions.
6. Absolutely stronger measures MUST be taken immediately. There is too much politics among member states. The Charter of the UN is based on civil society, not politics. Unfortunately, in today’s environment of military actions, being civil doesn’t work. Governments don’t like to impose sanctions against each another for fear that there will be retaliation against them if they support sanctions. As a former prosecutor, I can tell you that it’s the enforcement of an existing violation that gets the attention. We have all seen the genocide on a daily basis in Palestine. Basic human rights afforded to all human beings are being denied, which is unspeakable. The UN must take strong actions to protect these noncombatants such as taking away all rights and privileges to member states that violate these honored principles. No exceptions. Once a government falls back into line, then the UN can consider restoring those rights and privileges and under what circumstances it feels is appropriate.
7. I am absolutely suggesting that violations by member states be addressed in the draft document and consequences that will be imposed for such violations be stated. Governments will argue that groups, businesses, or individuals that act within the state cannot be controlled by the state. Those arguments made by governments are specious.
8. My answer to that question would take a lot more time than I have now to answer. We were just given this opportunity to provide input to the draft document a few days ago. This opportunity should have been afforded to NGOs and interested parties at least 2 weeks or more ago. The depth of these questions requires more time for complete detailed answers.
9. This guiding principle must address the issue of accountability, remedies, responsibility and clearly state the steps to be taken IN A TIMELY MANNER to identify wrongdoing and assess the damage and impose penalties.
10. To answer this last question. I would need to understand the intended scope of enforcement of the business violations and categories or levels of violations that should be covered under these principles vs. other UN documents currently in force.

Thank you very much for this opportunity to comment on this document and raise suggestions for questions for you to ask Chinese officials on your upcoming trip to China. I am happy to discuss my answers should any questions arise. I live in NYC not far from the UN Headquarters. I can meet anyone there or speak to anyone on the phone at a mutually convenient time. I can be reached at 1.815.871.3735.

Sincerely,

Jane E. Durgom- Powers
CEO & Founder

Families of the Missing, *formerly named International Federation of Family Associations of Missing Persons from Armed Conflicts (IFFAMPAC)*, is a Non-Governmental Organization (NGO) in Special Consultative Status with the Economic and Social Council of the United Nations