



Hearing on

The PRC's Universal Periodic Review and the Real State of Human Rights in China

Thursday, February 1, 2024 – 10:00 a.m.

Statement Submitted for the Record

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Commissioner, Congressional-Executive Commission on China

*Note: Congressman McGovern planned to participate in this hearing in person, but the decision of the House Leadership to convene a last-minute “emergency” session of the Rules Committee of which he is Ranking Member precluded his attendance. Therefore he submitted his prepared remarks for the record.*

As prepared for delivery

Good morning. I join my colleagues in welcoming the witnesses and the public to this morning's hearing on the Peoples Republic of China's Universal Periodic Review, or UPR, held on January 23<sup>rd</sup>.

I would like to begin by recognizing that the UPR is not just “a valuable platform” for analyzing China's human rights record, as noted in the hearing announcement.

First, the UPR is the only universal mechanism that exists to examine states' compliance with international human rights law and norms. Every UN member state is subject to universal periodic review every five years. In principle, this gives the UPR greater legitimacy – greater weight – than views expressed by any single government.

Second, the UPR reviews each country's human rights record against the obligations the country itself has taken on through its sovereign decisions to ratify or accede to international human rights treaties.

China is a state party to several core human rights treaties – more, I regret to say, than the United States. Those treaties include the Covenant on Economic, Social and Cultural Rights; the Convention Against Torture; and conventions to eliminate racial discrimination and discrimination against women.

China’s acceptance of obligations under these human rights instruments is, in fact, the basis for this Commission’s work. It means that we can directly examine the PRC’s compliance with a broad range of rights: civil and political rights, and also labor rights, women’s rights, the rights of ethnic and religious minorities, and the rights of other vulnerable populations, including the LGBTQ+ community. It means that the PRC’s effort to change the international conversation to development rather than rights fails – because China’s development claims must be interrogated using a rights lens.

All of this is to say that UPR recommendations go to the heart of the China Commission’s efforts to promote and defend the human rights of the Chinese people, and I am glad to have this opportunity to focus on them.

I would like to highlight some of the recommendations coming out of last week’s UPR session that address issues I care deeply about.

Last December I led a bipartisan letter with 23 House colleagues urging the Biden Administration to “highlight the increasingly severe human rights violations the PRC is perpetrating against the Tibetan people.” The letter focused attention on “PRC policies [that] are eroding Tibetan Buddhism, Tibetan language, and the Tibetan way of life in ways that are widespread and systematic and constitute a fundamental threat to the survival and well-being of the Tibetan people.”

The Administration did draw attention to these human rights abuses against the Tibetan people, both in its advance questions and its statement during the UPR session. Twenty countries joined the U.S. in insisting that, with respect to Tibet, China must:

- end forced assimilation policies;
- end discrimination and protect the rights of ethnic and religious minorities, including the right to language;
- implement the recommendations of the recent Economic, Social and Cultural Rights treaty review; and
- permit visits by human rights bodies.

Governments made similar, often overlapping recommendations with regard to the egregious repression and denial of the fundamental rights of the Uyghurs and other Turkic Muslims in Xinjiang, which this Commission has found may constitute crimes against humanity and genocide.

Clearly, many countries around the world share the United States' profound concern about the systematic and ongoing violations of the human rights of religious and ethnic minorities in China.

Similarly on Hong Kong, some 20 countries echoed this Commission's calls on China to:

- respect civil and political rights,
- repeal the National Security Law,
- end censorship and surveillance of activists,
- restore judicial independence and
- release writers, bloggers, journalists, human rights defenders and others arbitrarily detained.

More than 30 countries, including many from the "global south," advocated for women's rights and gender equality in China; an end to gender-based violence and trafficking; and full implementation of the recommendations from the recent CEDAW treaty review.

I am especially glad to see that 11 countries specifically raised the need to end discrimination based on gender identity and protect the rights of the LGBTQ community in China. I am proud that this Commission has documented and reported on serious rights abuses against the LGBTQ community in the past and we will continue to do so going forward.

We will hear from the witnesses today about the limitations of the UPR process, the obstacles the PRC puts in the way of advocates who want to participate, and its efforts to manipulate the process in order to undercut criticism – a reality that, sadly, is not unique to China. Of course we must do all we can to counter these tactics.

That said, the UPR process is a valuable tool for human rights advocacy because it is multilateral and because it holds China to account for obligations it has explicitly agreed to. I hope the discussion today will provide us with ideas for making the best use of it – in particular, for strengthening multilateral efforts to end the grave, ongoing rights violations occurring in the country.

Mr. Chairman, I ask that the document prepared by the UN Human Rights Council UPR Working Group, titled “China - Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights”<sup>1</sup>, be submitted for the record. The document summarizes dozens of recommendations from treaty reviews and UN independent human rights experts that are directly relevant to this Commission’s work.

I yield back.

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<sup>1</sup> A/HRC/WG.6/45/CHN/2