



Written Testimony of

the Network of Chinese Human Rights Defenders

Before the Congressional-Executive Commission on China

for its hearing on

“The PRC’s Universal Periodic Review and the Real State of Human Rights in China”

February 1, 2024

As China led a high-pressure campaign to coerce UN member states into echoing its talking points on human rights at the UN in Geneva yesterday, many states bravely bucked the pressure and issued substantial recommendations based on human rights laws and standards that have drawn attention to China’s egregious human rights violations.

The highlights of these interventions at the Universal Periodic Review include:

- **At least eighteen countries recommended the ceasing of the persecution of human rights defenders or the need for an enabling environment for human rights defenders** (Canada, Chile, Czechia, Denmark, Finland, France Germany, Greece, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Norway, Marshall Islands, Sweden, Switzerland). Countries also highlighted the need for authorities to end reprisals against civil society (Estonia, Germany, Lithuania, Marshall Islands).
- **Eighteen countries raised Hong Kong, up from just six in the last UPR in 2018.** As has been well documented, the human rights situation has deteriorated rapidly since the introduction of the National Security Law by the Central Government in 2020.
- **Twenty states made recommendations about Tibet.** This significant concern for Tibet comes as the Chinese government limits travel to the region and is subjecting up to a million children to colonial-style residential boarding schools.
- **Approximately twenty states also made recommendations on the Uyghur region,** and [eleven states](#) urged the Chinese government to implement recommendations made by the Office of the High Commissioner for Human Rights (OHCHR) in its assessment of the region. Notably, while recommending China to implement the OHCHR recommendations, Switzerland reiterated the OHCHR’s important finding that the extent

of arbitrary detentions “may constitute crimes against humanity.” Recognizing the overlap between ethnic and gender discrimination, Montenegro recommended, “Investigate effectively allegations of human rights violations in camps and other detention facilities, including torture, sexual violence, forced labour and other mistreatment.”

- **The recommendation to end the use of the death penalty, or implement a moratorium**, was raised by many countries, including developing countries in the Global South, such as Colombia and Argentina.
- **Several countries, such as Ecuador, Peru, and the Marshall Islands raised the need for China’s overseas business operations to operate according to business and human rights standards**, which implicitly draws a contrast to China’s “win-win” and “people-centered” development model, which does not reference the state’s duty to protect human rights or the corporate responsibility to protect human rights.
- **Eleven states (Chile, Iceland, Ireland, Germany, Malta, the Netherlands, New Zealand, Norway, Sweden, United States of America, Uruguay) brought up recommendations to protect the LGBTIQ+ community and sexual minorities, which have been under increasing attack since the last UPR in 2018.** One particularly strong recommendation, in light of the [closure](#) of several LGBTIQ+ advocacy organization, was this recommendation by Iceland, “Remove restrictions on freedom of expression and press freedom including on SOGIESC related media content and allow registration of SOGIESC CSOs.”
- **Many states, including Kazakhstan and Paraguay, recommended that the Chinese government ratify the ICCPR and that it cooperate with the UN Special Procedures, including extending a standing invitation for country visits.** As CHRDR highlighted in our [briefing](#) on the UPR, the lack of operating in good faith with the UN system is a core obstacle for the government’s improvement in human rights. Rwanda and Benin recommended that China “Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families”.
- **In total, 31 countries raised the issue of women’s rights.** While not all of the recommendations were worded in an effective way, the sheer number of recommendations is to some extent a testament to China’s lack of progress in women’s rights in recent years. Given the lack of attention to women’s rights at China’s nearly all-male political leadership, Bulgaria’s recommendation was particularly noteworthy, “Take further steps to increase women’s representation in the legislature, public administration and judiciary”.
- **At least nine states made recommendations regarding enforced disappearance, which CHRDR and other NGOs have identified as tool that the Chinese government has increasingly adopted in its governance, even though it is a gross human rights violation.** Notably, this included states in the Global South, such as Côte d’Ivoire, which recommended China to “Ratify the International Convention for the Protection of All

Persons from Enforced Disappearance.” Australia, Luxembourg, Sweden, the United States of America, and United Kingdom of Great Britain and Northern Ireland recommended that China abolish “Residential Surveillance at a Designated Location,” a form of secret detention and enforced disappearance in which torture is common.

Overall, CHRD believes that the relatively high number of recommendations reflecting the highest human rights laws and standards is the result of the hard work of civil society organizations in documenting rights abuses in different issue areas and regions and communicating their findings to states. Some countries, such as Canada, Germany, Luxembourg, New Zealand, the United States of America, and the Netherlands, deserve credit for successfully managing to issue several recommendations within a small window of time, 45 seconds. Numerous states in the Global South, such as Mexico, Chile, Uruguay, and the Marshall Islands, deserve recognition for issuing strong and thoughtful recommendations. CHRD commends all the states that engaged in the UPR with [good faith](#), a key element to the success of the UPR and human rights improvements by governments more broadly.

China’s pressure campaign

As expected, during the UPR, the Chinese government presented an alternative reality of its human rights performance. In contrast with the above, many countries made vague and weak recommendations and praised the Chinese government profusely, reflecting an intense lobbying campaign ahead of the UPR by the Chinese government to whitewash its record, as exposed by [Reuters](#) and [The Geneva Observer](#). This often included the Chinese delegation giving specific points for countries to raise in their interventions at the UN. In total, China received approximately 130 interventions from “friendly” countries. By accepting these “recommendations, which in many instances were probably written by the Chinese government itself, the government can claim that its human rights record enjoys widespread global support.

Meanwhile, recommendations touching on important human rights violations, often directly referencing documentation by UN treaty bodies and UN human rights experts, were dismissed by China’s Ambassador to the UN as [based on](#) “ideological bias, rumors and lies”.

Most worryingly, people inside the United Nations attending the review told CHRD that numerous GONGOs, Government-Organized Non-Governmental Organizations, which are fake NGOs masquerading as real ones, were at the venue in large numbers. The large contingent of GONGOs presented a façade of civil society being in attendance, and worryingly, some GONGO representatives took pictures of independent civil society delegates, in violation of UPR rules of conduct.

We recommended that member states assessing the Chinese government's human rights performance in Geneva for the Universal Periodic Review (UPR) focus on targeting UPR's declared objectives - the "improvement of the human rights situation on the ground" and the "fulfilment of the State's human rights obligations and commitments and assessment of positive developments and challenges faced by the State." More importantly, we urged diplomats representing these governments must be acutely aware of the absent voices and experiences from

victims of the Chinese government's atrocity crimes in the room during the UPR dialogue with the official delegation from Beijing.

The Chinese government has, as in the past three rounds of UPR, systematically blocked victims and civil society from participation in the preparation of its State report, even though States under review are "encouraged to prepare the information through a broad consultation process at the national level with all relevant stakeholders." Domestically, the government is silencing critical voices and internationally it is engaging in transnational repression to intimidate victims, advocates, and NGOs. Its state report inevitably does not present an "objective" assessment of its human rights record based on broad and free national participation.

To make the UPR process more effective in protecting and promoting human rights in China, we have assessed China's implementation of recommendations received from member states in the 3rd UPR in 2019 with the purpose of providing a perspective from civil society, providing critical analysis of past recommendations and a strategic approach to the UPR process. The team that conducted the assessment largely agreed that human rights conditions referenced by the 3rd UPR have not improved—and in many cases have further deteriorated since 2019.

The assessment also identified the worrying tendency by the Chinese government and likeminded or "friendly" states of exploiting loopholes, manipulating the rules, or engaging in the UPR process in bad faith, thereby betraying the originally intended purpose of the UPR when it was established as a mechanism for advancing human rights.

In particular, we advised governments to:

- Watch out for intimidation, threats, or reprisals by Chinese government officials toward civil society participants, NGO representatives, UN staff.
- Watch out for attempts by the Chinese government to block submissions by independent stakeholders from publication on UN platforms.
- Be aware of GONGOS under the guise of NGOs flooding the process, narrowing the space for genuine civil society.
- Be vigilant against "friendly states" making counter-productive or anti-human rights recommendations, defeating the purpose of the UPR, and be ready to call out such unacceptable recommendations for the UPR and urge their removal from, or listed separately, as disqualified for the UP in the Working Group Report on grounds that they betray the mission, objectives of the UPR. These recommendations, if implemented, would actually violate universal human rights standards, having the opposite effect on promoting human rights.
- Make sure to persist in referencing the OHCHR assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region in recommendations and other UPR materials.

- Make references to UN independent human rights experts and treaty bodies, putting the Chinese government on the record as either accepting or rejecting UN documents and reports. This can build a body of evidence for scrutinizing the government's behavior at the Human Rights Council, especially when states consider China's qualifications for a membership seat.
- Formulate Specific, Measurable, Achievable, Results-oriented, and Time-bound (SMART) recommendations.
- Pay attention to implementation of past recommendations, rather than likelihood of being "accepted." High acceptance rates in past cycles have not translated into meaningful implementation, even less into actual improvement of human rights on the ground.
- Do not shy away from making recommendations in areas of serious rights violations, where human rights conditions are persistently poor or have deteriorated, though the Chinese government is unlikely to accept such recommendations. Though likely rejected, such recommendations uphold the highest human rights standards, set clear benchmarks for progress, and indicate the discrepancies between China's obligations and performance.
- Avoid duplication due to making similar recommendations by multiple states. Coordinate efforts to cover the many areas of human rights where violations persist and protection is poor, not only in areas of civil and political rights, but also in economic, social and cultural rights.
- Avoid using coded phrases (like win-win cooperation or mutually beneficial cooperation) or terminology promoted by the Chinese government on UN human rights platforms, intended to weaken and undermine international human rights standards and institutions. Avoid references to Chinese government initiatives that are not fully human rights compliant (i.e. the Belt and Road Initiative, the Global Civilization Initiative, the Global Development Initiative... etc.)

The Network of Chinese Human Rights Defenders (CHRD) is a coalition of Chinese and international human rights non-governmental organizations. The network is dedicated to the promotion of human rights through peaceful efforts to push for democratic and rule of law reforms and to strengthen grassroots activism in China. (<https://www.nchrd.org>; X: CHRDnet)