



Congressional-Executive Commission on China

Hearing: “CECC at 20: Two Decades of Human Rights Abuse and Defense in China”. Remarks addressing the Chinese governments human rights record and its approach to the international human rights system

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Introduction

Over the course of the two decades since the establishment of the Congressional-Executive Commission on China, the Chinese government has transformed from a relatively benign actor in the international human rights system to a significant threat to human rights globally. Under Xi Jinping, who in October awarded himself a third term as General Secretary of the Chinese Communist Party, the government has not only launched an unprecedented rollback of human rights domestically, but also made clear its intentions to remake the international human rights order to protect its interests. Allowing Beijing to do so will not only have catastrophic outcomes for the victims of Chinese government human rights violations—including crimes against humanity—inside China, it will also significantly weaken protection for victims of abuses worldwide. It is essential that democracies match Beijing’s ambition to protect the norms, laws, and institutions currently under threat.

The Chinese government role in international human rights bodies

In recent years, the [Chinese government](#) has become considerably more active in a wide range of United Nations and other multilateral institutions, including in the global human rights system. These include developments that on their face are positive: ratifying several core UN human rights treaties, serving as a member of the UN Human Rights Council, and seconding Chinese diplomats to positions within the UN human rights system. Beijing has launched various undertakings abroad that have major human rights implications: it has created the Belt and Road Initiative (BRI) and the Asian Infrastructure Investment Bank

(AIIB) under the mantra of promoting economic development, and it has become a significant global actor in social media platforms and academia.

This new activism on issues from economics to information by one of the most consequential actors in the international system, if underpinned by a serious (albeit unlikely) commitment among senior Chinese leaders to uphold human rights, could have been transformative. But the opposite has happened. Particularly under President Xi Jinping's leadership, the Chinese government does not merely seek to neutralize UN human rights mechanisms' scrutiny of China, it also aspires to neutralize the ability of that system to hold any government accountable for serious human rights violations. Increasingly, Beijing pursues rights-free development worldwide, and tries to exploit the openness of institutions in democracies to impose its world view and silence its critics.

It is crucial — particularly for people who live in democracies and enjoy the rights to political participation, an independent judiciary, a free media, and other functioning democratic institutions — to recall why the international human rights system exists. Quite simply, it is because states often fail to protect human rights, particularly in countries that lack credible systems for redress and accountability for rights violations. People need to appeal to institutions beyond their government's immediate control.

Beijing is no longer content simply denying people accountability inside China: it now assertively seeks to bolster other countries' ability to do so even in the international bodies designed to deliver some semblance of justice internationally when it is blocked domestically. Within academia and journalism, the Chinese Communist Party seeks not only to deny the ability to conduct research or report from inside China, it also increasingly seeks to do so at universities and publications around the world, punishing those who study or write on the topics it considers sensitive—an endlessly arbitrary realm. The rights-free development the state has sanctioned inside China is now a foreign policy tool being deployed around the world.

Beijing's resistance to complying with global public health needs and institutions in the Covid-19 crisis, and its crushing of democratic aspirations in Hong Kong, should not be seen as anomalies. They are clear and concerning examples of the consequences for people worldwide not only of a Chinese government disdainful of international human rights norms but, increasingly, also seeking to rewrite those rules in ways that may affect human rights protections globally. Chinese authorities act as if they fear that the exercise of these rights abroad can directly threaten the party's hold on power, whether through criticism of the party itself or as a result of holding the leadership accountable for its human rights violations.

Human Rights Watch has tracked Beijing's efforts to undermine the UN human rights system, publishing a report in September 2017, [*The Costs of International Advocacy: China's Interference in United Nations Human Rights Mechanisms*](#). This detailed the ways

the Chinese government obstructs the participation of independent civil society organizations, manipulates the accreditation process for those actors, and thwarts the work of treaty bodies, special procedures, the Office of the High Commissioner for Human Rights, and the Human Rights Council. Since that time, we have also exposed Beijing's efforts to strip human rights funding from UN peacekeeping budgets, its increasingly vitriolic attacks on not just the mandates of independent human rights experts within the UN system, but also on the individual experts themselves, and its reprisals against independent civil society groups from China for their efforts to engage the UN human rights system.

China routinely opposes efforts at the Human Rights Council to hold states responsible for even the gravest rights violations. When the Organisation of Islamic Cooperation and the European Union jointly presented a resolution to address Myanmar's international crimes against Rohingya Muslims in 2017, China called a vote and was one of only two countries to vote against. In September 2022, China was one of only three states voting against a resolution to renew the mandate for a Special Rapporteur on Afghanistan; that initiative prevailed with the support of 29 member states. In November, China was one of only six countries to vote against the establishment of a Fact-Finding Mission on Iran in response to the recent protests.

Over the past five years, Human Rights Watch documented the Chinese government's mass arbitrary detentions, pervasive surveillance technology, and crimes against humanity targeting Uyghurs and other Turkic communities across Xinjiang. The UN human rights system's engagement on the Uyghur issue reflects Beijing's power: denying access to the region for UN human rights investigators, stalling and then constraining a visit by the UN High Commissioner for Human Rights, lobbying intensely to prevent the release of that office's report on the crisis, then lobbying even more intensely to block even discussion—let alone movement towards an investigation—on the issue.

There is however some cause for optimism. Since 2018, UN special procedures, treaty bodies, and the Office of the High Commissioner for Human Rights have consistently documented grave human rights violations by the Chinese government and offered myriad recommendations on fixing the proximate and systemic abuse. The former high commissioner, Michelle Bachelet, under intense diplomatic pressure, in August 2022 published a report, based largely on interviews with victims and Chinese government sources, on possible crimes against humanity in Xinjiang. In October, the Human Rights Council fell short by only two votes in an effort to advance a discussion about the report; Human Rights Watch believes this was a critical first step towards securing a positive outcome in the future. Several states otherwise reluctant to criticize Beijing over its human rights record voted in support of the initiative out of concerns about institutional integrity: the basic idea that no state is above scrutiny for its rights record. It is also an encouraging sign that in late November the new High Commissioner for Human Rights, Volker Turk, [said](#), "It's my office's report, and I'm invested in it." OHCHR also [called](#) on Chinese

authorities to respect people's rights to peaceful protest as people took to the streets to protest "zero-Covid" lockdowns.

Chinese government role in changing human rights norms

When the Chinese government began ratifying international human rights instruments in the 1980s, it made little effort to challenge the contents or the norms informing those documents. In 2004 the government amended the Constitution to explicitly recognize a state obligation to respect human rights, and at varying times senior officials have expressed support for the universality of human rights.

But towards the late 2000s, the Chinese government took an increasingly more repressive approach. And under Xi Jinping, the government takes the position that human rights norms and law must be subordinated to "Chinese characteristics" or "national conditions." It has resisted bringing domestic law on key human rights issues, such as torture, into conformity with the definition as set out under the UN Convention against Torture, despite being cited in multiple reviews of the convention for failing to do so.

Chinese authorities also increasingly seek to replace existing norms and concepts with ones that undermine established human rights. The notion of "mutually beneficial cooperation" is just one example. In March 2018, China [introduced](#) a resolution on "Promoting the International Human Rights Cause through Win-Win Cooperation" at the Human Rights Council. The title sounded innocuous, but the resolution gutted procedures to hold countries accountable for human rights violations, suggesting "dialogue" instead and the important role of "mutually beneficial cooperation." It failed to specify any course of action when rights violators do not cooperate with UN experts, retaliate against rights defenders, or actively reject human rights principles. And it even did not acknowledge any role for the Human Rights Council itself to address serious human rights violations when "dialogue" and "cooperation" did not produce results. The resolution was adopted by a distressingly strong majority.

The resolution [requested](#) a report from the Council's Advisory Committee. Many delegations expressed concern, but gave the resolution the benefit of the doubt, abstaining so they could wait to see what the Advisory Committee produced. Beijing's intentions soon became crystal clear: its submission to the Advisory Committee hailed its own resolution as heralding "the construction of a new type of international relations." The submission claims that human rights are used to "interfere" in the internal affairs of others, thus "poisoning the global atmosphere of human rights governance."

The Advisory Committee report, published just before the June 2020 Council session, only reinforced these concerns: it acknowledges that "serious conflicts of views exist with regard to the concept of 'mutually beneficial cooperation,'" but offers no clear definition, identifies no value-added that the term brings over more established concepts such as technical cooperation and capacity-building – already part of the Council's agenda – and

even calls into question the universality of rights, referring to “so-called ‘universal’ values.”

Recommendations

- Democracies should respond to the Chinese government’s efforts to remake the international human rights system with ambition, principle, discipline, and resources.
- Democracies should form a coalition to protect the UN human rights system. This should include working together to leave no space across the UN human rights system uncontested—these are vacuums that Beijing is highly skilled at filling. They should strongly support the candidacies of democracies for the Human Rights Council, and truly independent experts for treaty body, special procedure, key committee, and thematic group openings. They should be tracking and vigorously pushing back against Beijing’s efforts to weaken norms, and should especially watch for attempts to advance soft law that could undermine international human rights law. It is encouraging to hear that with bipartisan support the US State Department has been able to create a new effort within the International Organizations Bureau, the Office of Multilateral Strategy and Personnel, to take on this critical work. Please consider whether those resources are sufficient to the task of coordinating with other democracies and challenging Beijing.
- Second, democracies should be committed to pressing for an investigation into Chinese government crimes against humanity targeting Uyghurs and other Turkic communities because of the scope and scale of the crimes. But they should also do so as a test of the UN human rights system’s resilience. In this sense there should be no political or diplomatic wavering about this challenging but critical project. Some in the Congress or administration may see the October Human Rights Council vote as a loss – we strongly encourage everyone to see it as a victory in the longer effort towards holding Chinese officials accountable. It would be a loss for human rights, and a big win for the Chinese government, if there were no further efforts to discuss the Xinjiang report at the council and to establish an independent international investigation.
- Finally, democracies should support civil society organizations—particularly ones from China, blocked by Beijing from accessing the UN human rights system—to share their work and perspective. They are critical sources of information and policy recommendations, yet are systematically denied an opportunity to share their work and perspective throughout the UN system. These governments should also press the UN, the Human Rights Council, and the Office of the High Commissioner for Human Rights to bolster protection of these activists, and ensure that all cases of state reprisals are investigated and addressed.