

CHINA'S GROWING INFLUENCE AT THE UN HUMAN RIGHTS COUNCIL

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- *What implications for Latin America and the Global South?* •

ABSTRACT

The recent vote against the first-ever UN Human Rights Council resolution looking at the situation of Uyghurs in Xinjiang has prompted discussions and concerns over China's increasing grip over UN human rights bodies.

Amidst tensions between China and the West, China's growing influence within the UN human rights system poses a challenge to progressive Global South governments, who seek to cooperate with Beijing on trade and development, while sharing major divergences on human rights priorities.

This paper aims to present the goals and tactics behind China's increasing presence at the UN Human Rights Council, and propose some reflections on its impact for progressive Latin American and other Global South governments.

KEYWORDS

China | United Nations | Human Rights Council (HRC) | Latin America | Xinjiang | Uyghurs

1 • Introduction

On 6 October 2022, the Human Rights Council (HRC) – the United Nations (UN) top human rights decision-making body – considered its first ever resolution on the human rights situation in China, calling for a debate on human rights abuses in the Xinjiang Uyghur Autonomous Region (Uyghur Region) after the UN issued a damning report alleging possible crimes against humanity. The motion was voted down by a thin margin of three votes, bringing attention to the lack of support by Global South governments with a traditionally strong commitment to human rights such as Argentina, Mexico, Brazil, Namibia, or Senegal.

Although continuously seating as a member of the HRC since its creation,¹ China's presence and influence in the UN human rights system took arguably a turn since 2018, when the UN's Committee on the Elimination of Racial Discrimination (CERD) first rang the alarm² at the mass detention of Uyghurs and other Muslim minorities in the Uyghur region. Serious concerns were soon after voiced by then High Commissioner Michelle Bachelet in her first address to the HRC,³ and by a number of governments as China's human rights record was reviewed in the context of the Universal Periodic Review (UPR).⁴

Beijing reacted strongly, rapidly invested in multilateral spaces to contest growing criticism and defended an unapologetic position on its assimilationist policies towards minorities. The United States' withdrawal from the HRC in June 2018 also provided Beijing with an opportunity to assert itself as a 'constructive player' at the HRC, as it sought to do in other multilateral spaces.

China's presence has posed a remarkable challenge for Latin American and other progressive Global South governments: how to avoid displeasing a major – sometimes its first – partner on trade and development, while maintaining a credible position on human rights protection globally? Latin American democracies in particular were being pulled in opposite directions by their two major partners, China and the United States, in what they perceived as a geopolitical conflict exclusively. At the national level, debates about human rights and other sensitive issues in China also polarise public opinions. Yet, governments have shied away from acknowledging and addressing the complexity of their relation with China in crafting their foreign policy position, convergent on some topics, while strongly diverging on some human rights priorities.

As a global power, China has a seat at the UN table and is an unavoidable interlocutor on a range of issues. Concerns should not focus on China's presence *per se*, but on the agenda it brings along, which this paper seeks to analyse. It will therefore seek to understand the goals and tactics behind China's increasing influence at the UN HRC, and propose some reflections on its impact for progressive Latin American and other Global South governments. It will do so by looking at negotiations and votes of resolutions, statements, and other actions led or joined by the Permanent Mission of China in Geneva, as documented publicly, or privately by the International Service for Human Rights (ISHR).⁵ Yet, this paper is unable

to capture the full extent of China's engagement at the HRC, and rather addresses trends relevant to the position of Global South governments.

2 • Avoiding criticism at all costs

China's objectives at the HRC have been primarily driven by an intention to contain and respond to growing international criticism. Since the CERD's 2018 findings, UN human rights bodies⁶ have gathered a progressively extensive set of evidence that exposes widespread and systematic human rights violations by the Chinese government – be it against Uyghurs, Tibetans, Hong Kongers or mainland Chinese activists and lawyers. In response, the Chinese government took aim at these bodies publicly, openly questioning their authority, legitimacy, independence, and, in some occasions, directing *ad hominem* attacks at individual experts.

2.1 - *Attacking UN experts and bodies*

Since 2018, UN Special Rapporteurs and Working Groups – known as the 'Special Procedures' – have sent a total of 83 letters to the Chinese government and issued 28 public statements on a wide range of issues. On three occasions – in June 2020, June and September 2022⁷ –, over forty of them jointly called out serious violations, urging the HRC to 'establish an impartial and independent UN mechanism to closely monitor, analyse, and report annually on the human rights situation in China.'

The government has systematically disputed all allegations, recently accusing the experts of "acting as the political tool of anti-China forces,"⁸ and declaring that they aimed to "kidnap the Human Rights Council to serve the US strategy of containing China". On another occasion, the Chinese Mission in Geneva questioned them "as legitimate human rights experts", stating they only "stood up for violent terrorists".

China further escalated by presenting a resolution at the HRC's September 2019 session that sought to review the documents defining the UN experts' working methods, seeking to limit their ability to speak out publicly, or to work without external interference. This initiative was circulated a few hours after a Special Procedures joint statement condemning the government's crackdown against protesters in Hong Kong. Although the resolution was eventually not submitted for adoption by the HRC, it remains a threat to the independence of UN experts' work hanging over the HRC at every session.⁹

The Special Procedures play a decisive role in ensuring independent monitoring and documentation of human rights abuses worldwide, warning the international community when crises are looming or unfolding or promoting the rights of vulnerable groups. They are fundamental to the work of civil society and human rights defenders, and their weakening poses significant risks to human rights protection globally. Latin American

governments have initiated – and still lead – resolutions creating an important number of Special Procedures mandates, including the first ever expert on LGBT rights in 2016, as well as experts on the right to health, on discrimination against women and girls, and on the rights of indigenous peoples, migrants, and older persons.

China has issued similar remarks against other UN human rights bodies. After the OHCHR released its much-awaited report¹⁰ on human rights abuses in the Uyghur region, a spokesperson from the Chinese mission called it “purely a farce plotted by some Western countries and anti-China forces [that] smears and slanders China, and interferes in China’s internal affairs”.¹¹

More recently, the CERD issued a rare ruling¹² on grave violations targeting Uyghurs, and Muslim minorities, issuing a series of key recommendations to China, and recalling the duty of all governments to cooperate to put an end to racial discrimination and other grave abuses of international law. In response, the Chinese Mission declared that the CERD ‘is now driven by certain forces,’ and that it did not work ‘in an impartial and objective way.’

2.2 - *Shaping narratives at the Human Rights Council*

Whereas China has relatively limited leverage over technical, expert human rights bodies, it exerts a much greater influence within political bodies such as the HRC. In these intergovernmental spaces, it makes use of its diplomatic weight to shape narratives in its favour, and attack those critical of its human rights record.

Since June 2019, a group of mostly Western governments started to call out violations against Uyghurs, and against protesters in Hong Kong through joint statements at the HRC and the UNGA, with support growing from 25 to 50 countries over the years. Immediately after, China pushed a large number of its allies to express unwavering support for Beijing’s actions and denounce ‘interference in China’s affairs,’ through joint statements supported by up to 69 countries.¹³

China reportedly exerted significant pressure on Global South governments to join such declarations, and to prevent them from endorsing critical ones. On various occasions, the Chinese authorities overlooked traditional diplomatic protocols, bypassing their immediate interlocutors in Geneva to seek high-level support at ministries of foreign affairs in capitals. At the peak of ‘vaccine diplomacy’ in 2021, when Global South governments sought Chinese vaccines in the absence of sufficient Western cooperation, its pressure led Ukraine to withdraw its support from a declaration critical of China,¹⁴ and to unusual statements from moderate Latin American governments commending China for its poverty-alleviation efforts¹⁵ or calling broadly for the respect of national sovereignty.

Chinese pressure on HRC members reached another threshold with the consideration of a draft resolution on the human rights situation in Xinjiang in the September 2022 session, a few weeks after the OHCHR released its report which documented *prima facie evidence*

of crimes against humanity against Uyghurs and Muslim minorities. The very modest resolution text¹⁶ merely acknowledged the report and requested that the HRC hold a debate about the situation in Xinjiang, despite the extent and gravity of evidence documented across UN bodies. Still, the motion was rejected by 19 votes against, for 17 in favour and 11 abstentions, becoming the second country resolution to be ever rejected by the HRC.¹⁷ Any other country situation with the same degree of UN documentation would have seen the adoption of a commensurately strong resolution; still, the mere request of a discussion on Xinjiang – and therefore China – was an exception. While Honduras, Paraguay and Somalia were among the few non-Western countries to support the motion, Argentina, Brazil and Mexico – regrettably abstained.¹⁸

3 • Towards a “sovereigntist” human rights system

Despite relentless opposition by a range of countries, the UN human rights system has proven resilient and able to monitor grave human rights violations occurring in major powers,¹⁹ as well as in contexts where national venues for redress are closed: Latin American governments notably initiated resolutions to investigate grave abuses in Venezuela and Nicaragua. Yet, this has also prompted China to challenge more openly the principles underpinning the independence and effectiveness of this system.

3.1 - Growing protagonism: a leader of the Global South?

China has leveraged diplomatic alliances and stepped up its leadership amongst countries that have sought to weaken UN human rights bodies’ ability to monitor abuses in national contexts. China has become, alongside Russia, a leading member of existing political groups such as the “Like-Minded Group” and the “Non-Aligned Movement” (NAM), or established new groups such as the “Group of Friends in the Defense of the Charter of the United Nations”²⁰ in 2021 – which seeks to advance an interpretation of the UN Charter where the absolute respect for national sovereignty of States and ‘non-interference in internal affairs’ trumps international scrutiny of domestic human rights violations.

China has also moved to retaliate against the United States, the United Kingdom, Canada, Australia, and other governments pushing Western initiatives to call out rights violations in China, including through joint statements highlighting violations of the rights of indigenous peoples, migrants, and other rights abuses in these countries.

This tighter coordination has also undermined the HRC’s ability to address pressing country situations. China and other members of these groups vote systematically against and try to weaken the language²¹ of resolutions denouncing or mandating investigations into rights abuses in specific countries.. China votes against all country resolutions, including those presented at the request of the country concerned (Georgia and Ukraine), with the exception of resolutions on Palestine, which are consistently endorsed by China.

In June 2022, China led a joint statement endorsed by 35 countries²² criticizing the HRC for becoming ‘increasingly politicized and confrontational’ and calling for ‘multilateral human rights mechanisms [to] abide by the purposes and principles of the Charter of the United Nations [and] oppose the politicization and instrumentalization of human rights issues, double standards, as well as interference in the internal affairs of Member States under the pretext of human rights.’ The group of countries led by China also denounced what they termed as ‘rampant disinformation’ – often used to delegitimise independent NGO reporting – and called on multilateral mechanisms to “work on the basis of authentic and objective information, respect the sovereignty of States”.

3.2 - ‘Win-win’: rethinking the principles of cooperation and multilateralism

Aside from joint initiatives with like-minded allies, China has also single-handedly attempted to promote its own understanding of what the principles underpinning the multilateral human rights system should be.

In March 2018, China tabled its first resolution on “mutually-beneficial cooperation in the field of human rights” (known as the ‘win-win’ resolution).²³ Presenting it as a way to strengthen multilateralism, this concept proposes to reframe cooperation in the human rights field towards a non-confrontational dialogue where governments are the main beneficiaries instead of rights-holders. Under this State-centric approach, cooperation limits itself to consensual thematic areas where best practices can be shared, away from public scrutiny or exchange on sensitive issues.

The resolution mandated the HRC’s think tank, the Advisory Committee,²⁴ to produce a report on this topic which served as a basis for subsequent resolutions in March 2020 and March 2021.²⁵ While the term “mutually-beneficial cooperation” has long been hailed domestically by the government and the Chinese Communist Party (CCP) as an important political slogan, it does not bear grounding in international law. Yet, we can infer from China’s submission to the Advisory Committee’s report that the initiative seeks to promote ‘the construction of a new type of international relations.’

‘Win-win’ cooperation asserts friendly intergovernmental cooperation as a goal in itself, rather than a means to protect human rights, disregarding instances where rights abuses are the result of intentional State action, and/or their lack of political will to redress them. Decades of negotiations over the mandate of UN human rights bodies have gradually shaped a fragile balance between ensuring constructive dialogue and cooperation, investigating grave violations, and creating accountability mechanisms – whether the government responsible for abuses consents or not –, with a view to fulfill the HRC’s core mandate: preventing and addressing gross and systematic human rights violations wherever they occur. Although the three resolutions were adopted by the HRC, an important number of Global South delegations expressed discomfort or opposition by voting against the text, abstaining from the vote, or reiterating preoccupation²⁶ about the

lack of conceptual clarity over Chinese domestic terms included, and the lack of mention of the HRC's monitoring role as complementary to cooperation.

3.3 - *Closing spaces for civil society*

In its efforts to promote a State-centric HRC, China has actively worked to restrict the space of independent civil society, both from China and abroad, in UN fora.

China ranks among the top five perpetrators of reprisals against civil society actors who cooperate, or seek to cooperate with the UN, its bodies and representatives, according to information from the UN Secretary-General's annual 'reprisals report'.²⁷ Alongside Saudi Arabia, it is the most frequently cited country since 2010 (in 11 of the existing 13 annual reports), and figures among the 11 countries where the Secretary-General identified 'patterns of reprisals.' Against this, the Chinese Mission has embraced a denialist approach, framing activists as 'criminals,' criticising the UN reports as 'biased' and denouncing an interference in its 'judicial sovereignty.' Notable examples include that of Cao Shunli,²⁸ a woman human rights defender who lobbied the government to engage dialogue with Chinese civil society ahead of China's UPR, and who died in custody after being detained at the airport on her way to attend China's 2014 UPR review in Geneva; and Jiang Tianyong,²⁹ a human rights lawyer disappeared after meeting the Special Rapporteur on poverty and human rights during his 2016 visit to China, and later detained for three years on charges of 'inciting subversion of State power', and still surveilled until today.

Uyghur activists and victims have consistently borne the brunt of China's efforts to undercut space for civil society. Two leading Uyghur NGOs, the World Uyghur Congress and the Uyghur Human Rights Projects, have been regularly interrupted while speaking at the HRC by the Chinese delegation requesting the HRC President to not give the floor to 'terrorist organisations,' have had their reports to UN committees taken down from the website, and, in some occasions, have been expelled from UN premises.

In April 2017, World Uyghur Congress President Dolkun Isa was expelled³⁰ – with no explanation provided by UN security guards – from the UN Permanent Forum on Indigenous Issues held at the UN headquarters in New York, despite being an UN-accredited NGO participant. The following year, a similar attempt³¹ was made to block Isa's attendance to the Forum by denying him a pass, being eventually granted one following reported pressure from Germany and the US. The former Head of the UN Department for Economic and Social Affairs (UNDESA) Wu Hongbo even admitted, in an interview on Chinese public television one year later, that he gave the order to expel Isa because he was a 'separatist' and a 'criminal.' He also noted that 'when it comes to Chinese national sovereignty and security, [Chinese UN officials] will undoubtedly defend our country's interests'.³²

The Permanent Mission of China in Geneva also regularly pressures³³ other delegations not to meet with Uyghur activists or attend their events; and have addressed incriminating

remarks to Uyghur panelists when attending such events. At the same time, a soaring number of Chinese GONGOs – Party- or government-affiliated ‘NGOs’ – have occupied Geneva spaces, overcrowding civil society speaking slots, surveilling, and intimidating independent at-risk NGOs that seek to join formal UN meetings: during the adoption of China’s UPR in March 2019, six of the ten NGOs allowed to speak were GONGOs.

China and a range of countries³⁴ seating among the 19 Members of the NGO Committee in New York repeatedly block and delay, through yearly procedural tactics, NGO applications for ECOSOC status, a prerequisite for NGOs to access certain UN spaces. In the Committee’s latest session alone (September 2022), China accounted for 83 of the 418 deferrals of NGO applications from Russia, Egypt, North Korea, the US, India, and other countries; including well-established NGOs such as the Uyghur Human Rights Project, the Urgent Action Fund for Women’s Human Rights, and the Cambodian NGO Khmers-Kampuchea-Krom Federation, whose application has been constantly delayed over the past ten years. As NGO and GONGO applications have also been delayed by the US and a limited number of Western members of the Committee, civil society has long called for a broad reform of the NGO Committee, in order to strengthen civil society access to the UN.

4 • Reshaping international human rights standards

The Chinese government has also taken aim at the development of international legal standards in the field of human rights, by gradually embedding domestic concepts in texts and narratives, such as ‘win-win’ or a ‘community of shared future for mankind.’³⁵ China redoubled efforts since 2017 to initiate resolutions and deliver statements that seek to gradually infuse such terminology into international human rights texts and narratives. By doing so, the Chinese government forges its image as an active contributor to the normative development of human rights, seeking to display international endorsement for its political slogans.

4.1 - *The development agenda*

In June 2017, China introduced its first ever resolution to the HRC on the “contributions of development to the enjoyment of human rights”.³⁶ The short resolution failed to bring a substantive added-value to development discussions, instead calling on all countries to ‘realise people-centred development’ and to promote ‘win-win outcomes and common development’ without defining such terms nor providing their grounding in international law. It also requested that the HRC’s Advisory Committee prepare a study on the issue.³⁷

The Committee’s report and the negotiation of the 2019 resolution³⁸ gave space to narratives that implied a sequential approach whereby development appeared not only as a process or an outcome, but also as a precondition to the realisation of human rights. Yet, UN agencies³⁹ and civil society have long endorsed a ‘human rights-based approach’ to development –

a concept that does not appear in the text, and which the Chinese delegation seeks to systematically delete from any resolution the HRC negotiates. Such a ‘human rights-based approach’ ensures that development is not simply a top-down government-led provision of economic growth, but a transparent, inclusive process that views beneficiaries as empowered right-holders, and does not generate human rights abuses. It is well established that human rights and development are interdependent, and that the commitment to ‘leave no one behind’ can only be achieved through a rights-based approach.

4.2 - Reclaiming economic, social and cultural rights

China has also advanced initiatives that appear to challenge well-established standards in the field of economic, social and cultural rights, while pushing undefined national concepts into consensual human rights language.

In September 2020 and 2021, China proposed two resolutions on a ‘people-centred approach to human rights’ and ‘the realization of a better life for everyone’, respectively.⁴⁰ Repeated requests by countries from all regions⁴¹ for more conceptual clarity were not substantially addressed by the Chinese delegation, unable to succinctly define either concepts, instead relying on diplomats’ ‘common understanding.’ A 2021 White Paper points out how these and other political slogans lie at the heart of the CCP’s ideological work⁴² Both draft resolutions diluted human rights-based language as enshrined in international treaties, shifting the focus away from individuals as economic, social and cultural rights-holders to recipients of socio-economic development. This poses an important risk of altering normative standards and State obligations in this field: speaking on behalf of over 50 countries in a September 2021 joint statement⁴³ on the right to development, China emphasised that ‘we should pursue people-centred development and meet people’s aspiration for a better life’. Despite significant lobby, China withdrew both resolutions a few hours before their respective votes by HRC Members in 2020 and 2021 – a move rarely seen at the HRC – for lack of sufficient support from the Global South, in particular from Latin America.

At the same time, China has claimed leadership in a range of other agendas. In September 2021, China presented a landmark resolution on the human rights impact of legacies of colonialism, despite failing to include African, Latin American and countries from other formerly colonised regions among the leaders of the initiative.⁴⁴ Still, the motion prompted the HRC’s first-ever discussion on the human rights impact of colonialism entirely driven by a panel of UN experts on racism, indigenous rights, and transitional justice, while opening an important space for Native American, Palestinian, and other activists to address the UN directly. In March 2022, China worked with Bolivia, Egypt, Pakistan, South African, Venezuela and Yemen to present a resolution on the promotion of economic, social and cultural rights in Covid-19 recovery.⁴⁵ It also initiated a range of declarations on behalf of a large group of Global South countries denouncing vaccine inequity, and urging for greater international solidarity in Covid-19 recovery efforts.

5 • What implications for Latin America and the Global South?

China's diplomatic endeavours to advance a conservative, state-centric, and sovereigntist human rights agenda raise significant challenges for progressive Global South governments. As geopolitical tensions between great powers sharpen, they rely on a robust, righteous, independent multilateral human rights system, able to both promote meaningful cooperation and hold abusers accountable on an equal footing. With conservatism and authoritarianism on the rise, Geneva appears as an indispensable platform to protect and advance the rights of oppressed groups worldwide. A strong, progressive human rights agenda is also a condition *sine qua non* to promote a form of development that is sustainable and inclusive, tackle deep-rooted inequalities and combat climate change.

Yet, tensions between China and progressive Global South countries over human rights have become palpable. The negotiations mostly in the hands of the G77+China group⁴⁶ over the UN's budget is one telling example: within the group, human rights appear as a dominant source of friction between China and Latin American countries such as Uruguay and Mexico, who dedicate considerable effort to limit restrictions to the UN's largely under-resourced human rights pillar.⁴⁷

China's efforts to dispute human rights standards, weaken the independence and the work of UN human rights bodies to hold governments' accountable, restrict space for civil society at the UN, and promote an approach to human rights multilateralism where 'win-win' intergovernmental cooperation trumps the interests of right-holders and victims, points to three challenges to progressive Latin American countries.

Firstly, China's attempt to lead Global South countries on issues of historical importance for them – including development, economic, social and cultural rights, and international cooperation – disregards major differences in political culture, systems and societies among Global South countries. While Latin American countries lead on the normative development of topics such as the rights of LGBTIQ+ persons, women, indigenous peoples, or the fight against climate change – most often at odds with China –, frictions over economic, social and cultural rights are clear. By instrumentalising much-needed discussions about the Western-centric nature of the human rights system, China has played the card of opposition to the Global North to assert leadership over a variety of Global South agendas. This narrative disregards the pivotal role played by Latin American and other Global South feminist activists and diplomats in decolonizing and defending gender equality in the emerging international human rights framework. Decolonising a Western-centric human rights system is indispensable, but China's imposition of its priorities on Global South agendas does not contribute to building a more just multilateral system. Progressive Global South countries should embrace their differences and reclaim their leadership over key areas of human rights, while further shaping a system that holds all countries accountable on an equal footing, without exceptions.

Doing so points to a second challenge: the absence of a sufficiently strong and coordinated position among Global South countries that could effectively lead a progressive human rights agenda – beyond specific areas – independently of both the Global North, and of China and other sovereigntist allies. Despite its limited economic weight, Latin America has held a historically decisive role in building the current multilateral system. Yet, following a decade-long erosion of regionalism, the region seemingly struggles to assert itself as an influential diplomatic actor capable of leading a collective, autonomous, Global South human rights agenda, against major and hegemonic powers.

In addition to reclaiming leadership over a set of issues, progressive Global South countries should work together to address the ‘sovereigntist’ challenge posed by China and like-minded autocracies, in a robust, coordinated fashion. This not only includes being at the forefront of human rights normative development, but also striving to strengthen the UN’s human rights multilateral architecture to ensure it is widely supported, well-resourced, and able to work independently, with civil society, victims and human rights defenders at its heart. From safeguarding women and LGBTQ+ rights, achieving vaccine equity and upholding transnational corporate accountability, to reforming the NGO Committee, there is lots to do: joining forces is therefore imperative.

The third challenge is that of providing a principled response to the human rights situation in China. In a June 2022 public statement⁴⁸ on the human rights crisis in China, over 40 UN experts launched a rare wake-up call underscoring that ‘upholding the same standards and their equal application to all States big and small is important to maintaining the integrity, credibility and moral authority of the HRC and the UN [human rights system].’ China might arguably be one of the most difficult tests of the HRC’s ability to fulfill its mandate of responding to the gravest crises regardless of the perpetrator’s might: it failed to do so in September 2022 by rejecting a motion to debate China’s treatment of Uyghurs. In the near future, any similar initiative will send a crucial signal to other perpetrators whether the international community is willing to tolerate or even acquiesce in such behaviour. This will need governments such as Argentina and Mexico – who abstained in September 2022 – to maintain consistency with their positions on other country situations, to act consistently with their purported commitment to a feminist foreign policy without overlooking women from targeted communities, and ensure China is not an exception.

Dissidents targeted outside China’s borders, *refouled* individuals subjected to torture and disappearances, surveillance technologies exported worldwide, the human rights impact of Chinese business activities overseas: while the repression inside China may previously have had limited implications within the borders of Global South countries, the scenario has now changed. For progressive Global South governments, adequately responding to the human rights crisis in China is not only a moral duty, but also pragmatic necessity, and a (difficult) test of their credibility in human rights protection.

This demands political courage, as well as vision and an understanding of the long-term impact of (not) doing so. Concretely, ministries need to shape a foreign policy position on China that adequately considers human rights among other existing priorities such as business, or environmental cooperation. Governments must boost their diplomatic capacities, regularly and meaningfully consult and engage with independent Chinese human rights defenders, civil society, and academics with relevant expertise, in order to craft a position that is adequately informed.

6 • Conclusion: Building translational solidarity with China's human rights movement

China's human rights movement remains isolated and rarely benefits from expressions of solidarity by civil society in the Global South. While cultural and linguistic barriers constitute an obvious obstacle, the government's strategy to 'divide and conquer' civil society inside the country, and to promote globally a narrative that has vilified human rights advocacy in China as merely Western-driven containment greatly amplified this isolation. In Latin America, concerns about human rights in China are often weaponised by anti-communist forces, or dismissed in the name of 'anti-imperialism'. This shuts the door to objective debates over UN- and civil society-documented evidence, and brushes off the voices of those who should drive the conversation: victims and human rights defenders.

In democratic systems where civil society is able to hold governments accountable for their policy decisions, foreign policy-making cannot ignore public opinion. Yet, reporting on mass detention, disappearances and other grave human rights in China – even when documented by the UN –, and expressions of solidarity with Uyghurs, Tibetans, Hong Kongers or Chinese activists are at best rare, or most often nonexistent in the Global South.

Transnational solidarity across the Global South with China's human rights movement is indispensable. Doing so will require civil society to actively inform itself about the situation on the ground, by reviewing the extensive range of documentation from the OHCHR, and all UN human rights experts and mechanisms, and, most importantly, hearing directly from Uyghur, Tibetan, Hong Kong and Chinese human rights defenders and victims.⁴⁹ It will also require human rights groups to reclaim national discussions over human rights in China, steering it away from partisan positions, economic interests, and getting past a prevailing 'West vs. China' narrative.

In 2023, Chile and Costa Rica will sit among the 47 members of the HRC, alongside Argentina, Mexico, Honduras, and Paraguay. A new regional alignment between recently-elected progressive governments in Latin America provides a rare chance for coordinated, informed and principled positions that are able to address China's human rights abuses and its sovereigntist agenda in multilateral human rights spaces. Will progressive Latin America be up to the challenge?

NOTES

- 1 • The UN Human Rights Council is composed of 47 Member States elected by the majority of the UN General Assembly for a three-years membership, not being eligible for one year after two consecutive terms. HRC Member States are bound by a General Assembly resolution to ‘uphold the highest human rights standards.’ See “Membership of the Human Rights Council for the 17th cycle, 1 January - 31 December 2023,” OHCHR, 2023, accessed January 25, 2023, <https://www.ohchr.org/en/hr-bodies/hrc/current-members>.
- 2 • “CERD/C/CHN/CO/14-17: Concluding observations on the combined fourteenth to seventeenth periodic reports of China (including Hong Kong, China and Macao, China),” OHCHR, September 19, 2018, accessed January 25, 2023, <https://www.ohchr.org/en/documents/concluding-observations/cerdchnco14-17-concluding-observations-combined-fourteenth>.
- 3 • “39th session of the Human Rights Council,” OHCHR, September 10, 2018, accessed January 25, 2023, <https://www.ohchr.org/en/statements/2018/09/39th-session-human-rights-council?LangID=E&NewsID=23518>.
- 4 • During China’s third UPR in 2018, the government rejected all 17 recommendations raising concerns on the human rights of Uyghurs and all 7 recommendations to grant unhindered access for UN experts to all regions of the country. “China | UPR recommendations for access to Xinjiang bluntly rejected,” ISHR, March 6, 2019, accessed January 25, 2023, <https://ishr.ch/latest-updates/china-upr-recommendations-access-xinjiang-bluntly-rejected/>.
- 5 • Geneva is a privileged space to better understand China’s positioning in global human rights discussions, given its stated commitment to multilateralism, and the absence of venues inside China for activists to document, expose, and seek justice for grave rights abuses.
- 6 • “China: analysis against the ‘objective criteria’ for Human Rights Council action,” ISHR, September 23, 2022, accessed January 25, 2023, <https://ishr.ch/defenders-toolbox/resources/china-analysis-against-the-objective-criteria-for-human-rights-council-action/>.
- 7 • “UN experts call for decisive measures to protect fundamental freedoms in China,” OHCHR, June 26, 2020, accessed January 25, 2023, <https://www.ohchr.org/en/press-releases/2020/06/un-experts-call-decisive-measures-protect-fundamental-freedoms-china>; “China must address grave human rights concerns and enable credible international investigation: UN experts,” OHCHR, June 10, 2022, accessed January 25, 2023, <https://www.ohchr.org/en/press-releases/2022/06/china-must-address-grave-human-rights-concerns-and-enable-credible>; and “Xinjiang report: China must address grave human rights violations and the world must not turn a blind eye, say UN experts,” OHCHR, September 7, 2022, accessed January 25, 2023, <https://www.ohchr.org/en/press-releases/2022/09/xinjiang-report-china-must-address-grave-human-rights-violations-and-world>.
- 8 • “Chinese Mission Spokesperson Refutes the Smears by Certain Special Procedure Mandate Holders,” Permanent Mission of the People’s Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland, July 25, 2020, accessed January 25, 2023, http://geneva.china-mission.gov.cn/eng/dbttx/dbtjs/202007/t20200725_8299565.htm.
- 9 • Russia has since pushed similar iterations of the text during other HRC sessions, with strong Chinese support.
- 10 • “OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China,” OHCHR, August 31, 2022, accessed January 25, 2023, <https://www.ohchr.org/sites/default/files/documents/countries/2022-08->

31/22-08-31-final-assesment.pdf.

11 • “Chinese Mission spokesperson Liu Yuyin’s remarks on the so-called “assessment” on Xinjiang issued by the OHCHR,” Permanent Mission of the People’s Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland, September 1, 2022, accessed January 25, 2023, http://geneva.china-mission.gov.cn/eng/ryrbt/202209/t20220901_10758786.htm.

12 • “China must release Uyghurs, end grave violations, rules UN committee,” ISHR, November 25, 2022, accessed January 25, 2023, <https://ishr.ch/latest-updates/china-must-release-uyghurs-end-grave-violations-rules-un-committee/>.

13 • The list of countries has varied over time but invariably include a majority of African and Arab governments, and China’s close allies that are also under scrutiny for rights abuses, including, from Latin America, Cuba, Venezuela, Bolivia, Nicaragua and El Salvador. See “Joint Statement Delivered by Pakistan on Behalf of a Group of Countries at the 51st session of the Human Rights Council,” Permanent Mission of the People’s Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland, September 26, 2022, accessed January 25, 2023, http://geneva.china-mission.gov.cn/eng/dbdt/202209/t20220927_10772151.htm; and “UNGA77 3C – General Discussion on Agenda Items 66, 67 - Elimination of racism, racial discrimination, xenophobia and related intolerance; Right of peoples to self-determination - Transcript – Cuba (On Behalf of a Group of 66 Countries),” ISHR, October 31, 2022, accessed January 25, 2023, https://ishr.ch/wp-content/uploads/2023/01/UNGA77-3C_Cuba-JST.pdf.

14 • Jamey Keaten, “AP Exclusive: Diplomats say China puts squeeze on Ukraine.” Associated Press, June 25, 2021, accessed January 25, 2022, <https://apnews.com/article/united-nations-china-europe-ukraine-health-a0a5ae8f735b92e39c623e453529cbb9>.

15 • Colombia, Ecuador and the Dominican Republic commended China’s human rights achievements

soon after signing vaccine delivery deals on 20 February, 24 February, and 17 March respectively. See “Colombia ya cuenta con 192 mil dosis de vacunas de Sinovac,” Ministerio de Salud y Protección Social, February 20, 2021, accessed January 25, 2023, [https://www.france24.com/es/minuto-a-minuto/20220224-laboratorio-chino-sinovac-firma-acuerdo-para-producir-vacunas-en-ecuador](http://webcache.googleusercontent.com/search?q=cache:5dtgfEETncQJ:https://www.minsalud.gov.co/Paginas/Colombia-ya-cuenta-con-192-mil-dosis-de-vacunas-de-Sinovac.aspx&client=safari&hl=pt-BR&gl=br&strip=1&vwsr=0; “Laboratorio chino Sinovac firma acuerdo para producir vacunas en Ecuador,” France 24, February 24, 2022, accessed January 25, 2023, <a href=); and “Desde China a RD: Más de un 1 millón de vacunas para combatir el COVID-19,” Presidencia de la República Dominicana, March 17, 2021, accessed January 25, 2023, <https://presidencia.gob.do/noticias/desde-china-rd-mas-de-un-1-millon-de-vacunas-para-combatir-el-covid-19>.

16 • “Debate on the situation of human rights in the Xinjiang Uyghur Autonomous Region, China,” A/HRC/51/L.6, ISHR, September 28, 2022, accessed January 25, 2023, <https://ishr.ch/wp-content/uploads/2022/10/L.6-as-received-1.pdf>.

17 • The first one, a resolution presented in September 2021 mandating an independent inquiry into the crisis in Yemen. “Despite States’ failure, Uyghurs and rights groups won’t give up efforts to hold China accountable at the UN,” ISHR, October 6, 2022, accessed January 25, 2023, <https://ishr.ch/latest-updates/despite-states-failure-uyghurs-and-rights-groups-wont-give-up-efforts-to-hold-china-accountable-at-the-un/>.

18 • During negotiations, Brazil voiced its opposition to the text considering that it would only further ‘polarise’ the HRC. During the vote, Mexico and Argentina both recalled their alleged strong commitment to dialogue, before declaring they would abstain from supporting the motion.

19 • Following the murder of George Floyd in 2020, the HRC convened an urgent debate and

adopted a resolution which cited the United States, establishing a global commission of inquiry on systemic racism.

20 • Established in 2021, the Group of Friends has been joined by Algeria, Angola, Belarus, Bolivia, Cambodia, China, Cuba, North Korea, Equatorial Guinea, Eritrea, Iran, Laos, Nicaragua, Palestine, Russia, Saint Vincent and the Grenadines, Syria and Venezuela. See “Concept Note for the “Group Of Friends in Defense of the Charter Of The United Nations,” AWS, 2021, accessed January 25, 2023, https://s3-eu-west-1.amazonaws.com/upload.teamup.com/908040/YXSDbMUTlqryfUrT6Env_Concept-20Note-20GoF-20Defense-20UN-20Charter.pdf.

21 • Over 2022, China, alone or jointly with Russia and Belarus, attempted on three occasions to push through ‘hostile’ amendments that would have weakened already discussed resolution texts on Afghanistan and Ethiopia – a tactic traditionally over-used by Russia.

22 • Bahrain, Bangladesh, Belarus, Bolivia, Burundi, Cambodia, Cameroon, China, the Comoros, the Congo, Cuba, Egypt, Iran, Kuwait, Laos, Malaysia, Nicaragua, North Korea, Oman, Qatar, Russia, Saudi Arabia, Senegal, Somalia, Sierra Leone, South Africa, Sri Lanka, Sudan, Syria, Tajikistan, Turkmenistan, the United Arab Emirates, Venezuela, Yemen and Zimbabwe.

23 • “Promoting mutually beneficial cooperation in the field of human rights,” A/HRC/RES/37/23, OHCHR, April 6, 2018, accessed January 25, 2023, https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/37/23.

24 • The drafting group was chaired by the Advisory Committee member nominated by China, Liu Xincheng, a former Ambassador and high-ranking official at the Ministry of Foreign Affairs.

25 • March 2020: “Resolution adopted by the Human Rights Council on 22 June 2020,” A/HRC/RES/43/21, UN Docs, July 2, 2020, accessed January 25, 2023, <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FRES%2F43%2F21&Language=E&DeviceType=Tablet&LangRequested=False>; March 2021:

“Resolution adopted by the Human Rights Council on 23 March 2021,” A/HRC/RES/46/13, UN Docs, March 31, 2021, accessed January 25, 2023, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/076/60/PDF/G2107660.pdf?OpenElement>.

26 • Voting against the text were India, Marshall Islands, Ukraine, and all Eastern European HRC members; abstaining during the vote: Bahamas, Chile, Peru, Fiji, Armenia, Malawi, Libya, Uzbekistan, Afghanistan, D.R.C., Rwanda, Tunisia, and Georgia; and reiterating some concerns: Mexico, Uruguay, and Panama.

27 • In its annual report on acts of reprisals against civil society actors for cooperating or seeking to cooperate with the UN, the Secretary-General has reported 43 cases of reprisals against activists by China so far. See “UN Action on Reprisals: Towards Greater Impact,” ISHR, 2021, accessed January 25, 2023, https://ishr.ch/wp-content/uploads/2021/05/ISHR_Reprisals-Report_Web_20210503.pdf.

28 • “Cao Shunli (曹顺利),” Chinese Human Rights Defenders, March 1, 2019, accessed January 25, 2023, <https://www.nchr.org/2019/03/cao-shunli/>.

29 • “Jiang Tianyong (江天勇),” Chinese Human Rights Defenders, February 20, 2017, accessed January 25, 2023, <https://www.nchr.org/2017/02/jiang-tianyong/>.

30 • “Uyghur Human Rights Activist Expelled from UNPFII,” UNPO, May 08, 2017, accessed January 25, 2023, <https://unpo.org/article/20072>.

31 • “UNPO Vice President Finally Admitted To UN Indigenous Forum,” UNPO, April 26, 2018, accessed January 25, 2023, <https://unpo.org/article/20769>.

32 • “CCTV Interview with Wu Hongbo,” World Uyghur Congress, Facebook page, April 25, 2019, accessed January 25, 2023, <https://www.facebook.com/watch/?v=649658305496919>.

33 • “The Permanent Mission of the People’s Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland,” HRW, March 7, 2019, accessed January 25, 2023, https://www.hrw.org/sites/default/files/supporting_resources/hrcletterchina20190329.pdf.

34 • Other NGO Committee Members regularly

deferring NGO applications include Cuba, Russia, Israel, Nicaragua, Pakistan, India, Turkey, Bahrain, and Greece.

35 • For more details: "What China Says, What China Means: And What This Means For Human Rights," Amnesty International and Urgewald, 2021, accessed January 25, 2023, <https://whatchinasays.org>.

36 • "Resolution adopted by the Human Rights Council on 22 June 2017," A/HRC/RES/35/21, UN Docs, July 7, 2017, accessed January 25, 2023, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17184/81/PDF/G1718481.pdf?OpenElement>.

37 • The report was again produced by a drafting group chaired by the committee's Chinese expert and former ambassador, Liu Xinsheng. China quoted language from the report, which drew heavily from China's own submission, to present two additional resolutions on the issue in June 2019 and June 2021. The three resolutions (2017, 2019 and 2021) were largely adopted by the HRC, with few abstentions (Georgia, Panama, Paraguay, Armenia, the Bahamas) and oppositions mostly coming from Western and Eastern European States, Japan, South Korea and the Marshall Islands.

38 • "Resolution adopted by the Human Rights Council on 12 July 2019," A/HRC/RES/41/19, UN Docs, July 17, 2019, accessed January 25, 2023, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/218/41/PDF/G1921841.pdf?OpenElement>.

39 • See UNSDG: the human rights-based approach (HRBA) is one of the six Guiding Principles of the UN Sustainable Development Cooperation Framework. See "Principle One: Human Rights-Based Approach," UNSDG, [n.d.], accessed January 25, 2023, <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>.

40 • "Draft resolutions, decisions and President's statements," OHCHR, 2020, accessed January 25, 2023, <https://hrcmeetings.ohchr.org/HRCSessions/RegularSessions/45session/Pages/resolutions.aspx>; and "Draft resolutions, decisions and President's statements," OHCHR, 2021, accessed January 25, 2023, <https://hrcmeetings.ohchr.org/>

[HRCSessions/RegularSessions/48session/Pages/resolutions.aspx](https://hrcmeetings.ohchr.org/HRCSessions/RegularSessions/48session/Pages/resolutions.aspx).

41 • Including Mexico, Uruguay, Argentina, Panama, Brazil, India, Botswana, Ukraine, and South Korea.

42 • The same 2021 White Paper presented a people-centred approach to human rights as the following: "The CPC comes from the people and has its roots in the people. It serves the people and seeks to improve their wellbeing. Putting people first and ensuring their principal status have always been the core of the CPC's view on human rights. In his letter to the seminar on the 70th anniversary of the Universal Declaration of Human Rights, President Xi Jinping proposed that living a happy life is the primary human right, giving new meaning to China's progress in human rights in the new era." See "The Communist Party of China and Human Rights Protection -A 100-Year Quest," Embassy of the People's Republic of China in United Arab Emirates, July 5, 2021, accessed January 25, 2023, http://ae.china-embassy.gov.cn/eng/xwtdt/202107/t20210705_8909901.htm.

43 • "Joint Statement Delivered at the Interactive Dialogue with the Expert Mechanism on the Right to Development at the 48th Session of the Human Rights Council," ISHR, September 16, 2021, accessed January 25, 2023, <https://ishr.ch/wp-content/uploads/2023/01/China-JST-on-Right-to-Development.pdf>.

44 • The resolution was adopted with the support of 27 HRC Members, while 20 abstained, including Mauritania, Togo, Senegal, Uzbekistan, Libya, the Marshall Islands, Bahrain, Eastern European and Western governments. See "Resolution adopted by the Human Rights Council on 8 October 2021," A/HRC/RES/48/7, UN Docs, October 14, 2021, accessed January 25, 2023, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/286/52/PDF/G2128652.pdf?OpenElement>.

45 • The resolution was adopted with the support of 31 HRC Members, while Mexico and Ukraine abstained, Honduras, South Korea, Japan, the Marshall Islands, and Eastern European and Western States voting against. See "Resolution

adopted by the Human Rights Council on 1 April 2022,” A/HRC/RES/49/19, UN Docs, April 8, 2022, accessed January 25, 2023, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/303/98/PDF/G2230398.pdf?OpenElement>.

46 • The G77 + China group was established in 1964 by 77 developing countries (now expanded to 134) to enhance a collective negotiating capacity over economic and other common interests. Although China endorses the group politically and financially, it does not consider itself an official member.

47 • Human Rights are one of the three main pillars of the UN (with Peace and Security, and Development), yet only receives 2.8% of the UN's regular budget.

48 • “China must address grave human rights concerns and enable credible international investigation: UN experts,” OHCHR, June 10, 2022, accessed January 25, 2023, [https://www.ohchr.org/en/press-releases/2022/06/china-must-address-](https://www.ohchr.org/en/press-releases/2022/06/china-must-address-grave-human-rights-concerns-and-enable-credible-international-investigation)

[grave-human-rights-concerns-and-enable-credible-international-investigation](https://www.ohchr.org/en/press-releases/2022/06/china-must-address-grave-human-rights-concerns-and-enable-credible-international-investigation).
49 • Positive examples include interviews of Chinese woman human rights defenders Xu Yan in: João Paulo Charleaux, “O estado dos direitos humanos na China, segundo esta ativista.” NEXO, February 26, 2021, accessed January 25, 2023, <https://www.nexojournal.com.br/entrevista/2021/02/26/O-estado-dos-direitos-humanos-na-China-segundo-esta-ativista>; Sophie Luo and Mindy Shi in Macarena Vidal Lij, “Hostigadas en China por defender a sus maridos.” El País, June 27, 2022, accessed January 25, 2023, <https://elpais.com/internacional/2022-06-27/hostigadas-en-china-por-defender-a-sus-maridos.html>; and Li Wenzu et al., “No 5º aniversário da ‘repressão de 709’, na China, apresentamos nosso lado da história.” Folha de S.Paulo, July 9, 2020, accessed January 25, 2023, <https://www1.folha.uol.com.br/mundo/2020/07/no-5o-aniversario-da-repressao-de-709-na-china-apresentamos-nosso-lado-da-historia.shtml>.



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