



China and the International Human Rights System

Sonya Sceats with Shaun Breslin

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Charity Registration No. 208223

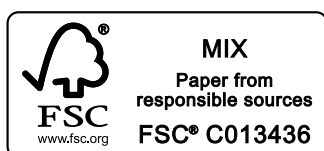
ISBN 978-1-86203-273-6

A catalogue record for this title is available from the British Library.

Cover image: The Representative of China asks for the floor at the 19th Session of the Human Rights Council, Palais des Nations, Geneva, 27 February 2012. © UN Photo Geneva/Violaine Martin

Designed and typeset by Soapbox Communications Limited
www.soapbox.co.uk

Printed and bound in Great Britain by Latimer Trend and Co Ltd



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Acknowledgments

The authors would like to thank the many diplomats, UN experts, academics, non-governmental organization experts, and Chinese international law and international relations colleagues who agreed to share their experiences and thoughts on these matters.

Invaluable research support was provided over the course of this project by Natasha Allan, Sean Aughey, Natasha Chan, Maziar Jamnejad, Giulia Lorenzini, Hemi Mistry and Sergio Ung. Special thanks are owed to Hemi Mistry who, among other things, collected and analysed all of the data on voting coincidences at the Human Rights Council and developed the data tables presented at the end of this report.

We would also like to extend our appreciation to the many specialists who reviewed the report in draft form.

This project was supported by the Chatham House Director's Research Innovation Fund and by core funding provided to the Chatham House International Law Programme by the Oak Foundation.

Summary Points

- In formal terms, China has opted into the international human rights framework by signing up to a wide range of human rights treaties. In recent years it has also officially accepted the universality of human rights.
- But China continues to view human rights in strongly aspirational rather than legal terms. It argues for priority to be placed on socio-economic rights and the right to development, and continues to insist that human rights should be implemented according to a country's national conditions.
- While it has not been shy with its views about human rights, China has not marshalled its full diplomatic capabilities to shape the international human rights system in this image.
- Instead China has generally pursued a protective agenda within UN human rights institutions with a sharp focus on avoiding criticisms of China by the UN and other governments. To this end, it has also sought to weaken the ability of the UN to report on states that abuse human rights.
- There are strong signs, however, that China is assuming a more active role within the UN Human Rights Council. Against the backdrop of power transitions associated with the Arab Spring, it has recently emerged as a spokesperson for states seeking to affirm the paramount responsibility of the state to enforce public order.
- In other ways the Arab Spring has exposed deep tensions between China's traditional statist conception of sovereignty and its efforts to be regarded as a benign and responsible global power.
- These tensions are displayed by China's oscillation between more and less permissive approaches to intervention in the context of the crises in Libya and Syria. Beijing's support for or acquiescence in UN resolutions relating to Libya was welcomed internationally as a sign of its new willingness to allow enforcement action against states responsible for gross and systematic human rights violations. But, as China's hardline position on the crisis in Syria demonstrates, this shift was quickly reversed after NATO's bombing campaign in Libya appeared to go beyond what the Security Council resolution authorized.
- These issues are deeply affected by wider internal debates about whether a more assertive foreign policy is required to match China's growing global power and whether a strong commitment to non-interference is still tenable in the light of its expanding international economic and strategic interests.
- From China's perspective, the question of how it should engage with the international human rights system is largely incidental to these wider debates about its role in the world. It is also heavily affected by the leadership's concerns about the domestic security context. For now, however, there is strong evidence that a newly confident China is experimenting with a more assertive style of diplomacy on international human rights issues generally.

1 Introduction

China's re-emergence as a global power is one of the defining developments of international relations in the early twenty-first century. Propelled by its newfound economic might, China has become a pivotal player within the global economic system and a potential role model for many developing states eager to replicate its growth. However, there is still intense speculation and some concern, within Western states and elsewhere, about the extent to which China is bringing this economic power to bear in other areas of the international system and about its plans in this regard.

The international human rights system is based on the Universal Declaration of Human Rights (UDHR) and comprises various UN institutions including the Human Rights Council and bodies that monitor implementation of international human rights treaties. The implications of China's rise in this area are becoming a locus of anxieties. China has regularly spoken out against interference on human rights grounds in its internal affairs and those of other states, and it is often assumed that its ascendancy as a global power is threatening to this part of the international system.

International human rights are not a standalone foreign policy issue for China. Instead they tend to be regarded by the Chinese leadership as an issue to be 'managed' in the context of global power politics and the pursuit of the country's so-called 'core interests', which include ensuring favourable international conditions for its economic growth, preservation of its political system and social stability, and defence of its territorial integrity.¹ Human rights are a complicating factor for these goals, as is demonstrated by international controversies generated by China's crackdowns on dissidents and others considered 'subversive' and its investment relationships with repressive regimes abroad. Beijing pushes back strongly when criticized on these fronts but within Chinese foreign policy circles there is a recognition that flare-ups over these issues are damaging the country's global image at a time when it is seeking to reassure the world that there is nothing to fear from its 'peaceful development'.²

While human rights are, therefore, merely a subsidiary foreign policy concern for China, they remain one of the priorities for Western states despite significant lapses in the context of counter-terrorism operations and of increasing pressure following the global financial crisis to de-emphasize human rights in bilateral relations with economically important states such as China. In the multilateral context, Western states remain strongly committed to the international

1 In its September 2011 White Paper on 'China's Peaceful Development', the Information Office of the State Council defined China's 'core interests' as including 'state sovereignty, national security, territorial integrity and national reunification, China's political system established by the Constitution and overall social stability, and the basic safeguards for ensuring sustainable economic and social development' (see Part III on 'China's Foreign Policies for Pursuing Peaceful Development', http://english.gov.cn/official/2011-09/06/content_1941354.htm).

2 The concept of China's 'peaceful development' replaced the concept of its 'peaceful rise' in official discourse from 2004 onwards. The reasons are not entirely clear but they probably included a concern within the leadership that the notion of China's 'rise' was feeding the 'China threat thesis' according to which the country's growing global power is viewed as threatening to the international order. A range of other factors are canvassed in Robert L. Suettinger, 'The Rise and Descent of "Peaceful Rise"', *China Leadership Monitor*, No. 12 (2004).

human rights system, which among other things they view as a source of moral legitimacy for the post-Second World War liberal international order that they are seeking to protect in the transition to a multipolar world. This general concern to safeguard the UN human rights machinery is shared also by a range of developed and developing states beyond the Western world.

China has participated in the international human rights system for over three decades but close scrutiny of its role has been limited, especially in more recent years. There is abundant analysis of its domestic human rights performance and of the focus on human rights in the foreign policy of Europe and the United States towards China. Far less attention has been paid, however, to China's impact on international human rights norms and the UN institutions that seek to uphold them. The aim of this report is to shine a stronger light on China's practices within the international human rights system. It is based on original research conducted by Chatham House, which included an empirical study of China's voting behaviour and other contributions at the Human Rights Council since its establishment in 2006. China must stand down from the Council at the end of 2012 after serving the maximum of two consecutive terms, so this is a good time to assess its contributions to date. China's practice in the Council and other relevant fora were also illustrated in more than 50 interviews conducted with diplomats from different regions of the world in Beijing, Geneva, London, New York and Washington, UN experts, academics, non-governmental organizations, and Chinese international law and international relations experts.

The report begins by summarizing the evolution of China's involvement in the international human rights system and its ideas about human rights generally. It then provides a detailed analysis of China's activities within the Human Rights Council before looking briefly at other parts of the international human rights system, including China's dealings with some of the bodies that monitor compliance by states with their human rights treaty obligations. In recognition of China's increasing global influence, the report also surveys a number of ways in which its behaviour has indirectly affected this system. Finally, the report looks at evidence of a growing tension between the need to protect China's expanding web of overseas interests and its oft-stated commitment to the principle of non-intervention, and considers how Chinese debates about this fault line have shaped China's response to a number of recent international human rights crises.

This study demonstrates that China has generally refrained from projecting its considerable global power within UN human rights institutions but that there are strong signs that this is changing. Until now its approach has been low-key, watchful and above all defensive. China has not been reticent about its preferred understanding of human rights – according to which 'universal' human rights are goals to be attained on the path to development rather than binding legal obligations, and collective socio-economic or 'survival' rights are firmly prioritized over individual civil and political rights. But China has not expended much political capital in steering the system in this direction. Instead it has tended to raise its head above the parapet only to defend, often robustly, its own human rights record.

As in so many areas, however, China has built new diplomatic capabilities in the human rights field and is increasingly confident and assertive in its dealings with Western governments on these issues. In the past year it has also emerged as a leader of a grouping within the Human Rights Council seeking to reassert the power of the state in the face of the popular uprisings that have swept many Arab countries and the new threats to social control posed by the internet age. So far, this shift represents more a change in approach than substance. For now at least, China is not operating as a norm-maker in this corner of the international system, but, as this new evidence of diplomatic activism illustrates, it is not a passive norm-taker either.

2 The Evolution of China's Participation in the International Human Rights System

China is often viewed as a 'dissatisfied power' with a long-term agenda to remould the international order. Certainly there are strongly held views within the country that the current system is not of its making, and Beijing has for years pursued a global reform agenda aimed at making UN and other key international institutions more representative of developing countries. Among more hawkish elements of the Western foreign-policy community there are suspicions that this masks a more radical ambition to replace the existing international order with new global power structures that better reflect China's interests and worldview, even if no clear and coherent blueprint exists of what this might look like.

China's modern-day engagement with the UN began in 1971 when its membership was transferred from the Taiwan-based 'Republic of China' to the People's Republic of China (PRC) based in Beijing. The PRC asserted its right to a clean slate with respect to its international legal obligations, declaring 'illegal and null and void' any 'signature and ratification of, or accession to, any multilateral treaties' by the Republic of China since the founding of the PRC in 1949.³ Among the casualties of this approach were the two human rights covenants – the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) adopted by the UN General Assembly in 1966 – that elaborate and give binding legal force to the rights set out in the 1948 Universal Declaration of Human Rights (UDHR).⁴ During this period, China downplayed the fact that a former Chinese diplomat and Confucian scholar, Chang Peng-Chun, had been a central figure in the drafting committee for the UDHR.

The PRC eased itself into the UN machinery very slowly. It sent large delegations to New York and fielded many representatives to attend meetings of the various UN organs and their subsidiary bodies. However, the Chinese diplomats intervened selectively and opted not to participate in many General Assembly and Security Council votes. For the most part they maintained a watching brief, diligently studying UN processes and 'learning to be an influential permanent member'.⁵

From smooth sailing to censure in the UN Commission on Human Rights

The UN Commission on Human Rights was one of the last major UN bodies that China joined. It began sending observers in 1979 and became a full member in 1982. Its early years at the Commission were fairly uneventful for China. Beijing tended to use it as an echo chamber for agendas it was supporting elsewhere in the UN, including the New International Economic Order, which it framed in this forum around the rights to self-determination and development.

3 This communication was received by the UN Secretary General on 29 September 1972. Cited in the United Nations Treaty Collection, Historical Information, China Note 1, available at: <http://treaties.un.org/Pages/HistoricalInfo.aspx?#%22China%22>.

4 The Republic of China had signed the two covenants in 1967.

5 Interview with a Chinese diplomat conducted by Ming Wan, cited in Ming Wan, *Human Rights in Chinese Foreign Relations* (Philadelphia: University of Pennsylvania Press, 2001) p. 108.

Interestingly, China was sometimes prepared to join initiatives censuring other states for human rights violations although its more usual practice was to abstain. For example, it supported country resolutions on Afghanistan and Cambodia (Kampuchea) in 1982, and used these occasions to vigorously condemn rights abuses associated with ‘aggression’ in these states by the Soviet Union and Vietnam respectively. An article appearing in the *Beijing Review* in 1988 explained China’s position as follows: ‘China has no objection to the United Nations expressing concern in a proper way over consistent and large-scale human rights violations in a given country, but it opposes the interference in other countries’ internal affairs under the pretext of defending human rights.’⁶ Occasionally criticisms were directed at China, particularly in relation to Tibet and various criminal justice matters, but these were not sustained.⁷

China signed and ratified a range of human rights treaties in the 1980s, including conventions on race discrimination, discrimination against women, apartheid, refugees and genocide. It also contributed to the drafting of the UN Convention Against Torture before becoming a party to this treaty in 1988.

This first decade of tentative but constructive engagement with the international human rights system was shattered by the fateful decision of the Chinese leadership to turn its firepower against the pro-democracy protesters who occupied Tiananmen Square in Beijing during the spring of 1989. Images of tanks rolling into the square and of troops gunning down civilians were beamed across the world and sparked an international outcry. Many states imposed economic sanctions and arms embargoes on China, which – after years of cultivating a low profile – suddenly found itself in the spotlight at the UN. Condemnation came from the Secretary-General, who raised concerns with the Chinese ambassador,⁸ and from delegations from developed and developing countries that came together within the General Assembly to discuss the situation.

The Commission on Human Rights and its subsidiary expert body, the Sub-Commission on Prevention of Discrimination and Protection of Minorities,⁹ became the main UN arenas within which a dramatic confrontation with China over its human rights record played out over the next 15 years. With the exception of 1991 (when the United States needed China to acquiesce in a Security Council resolution authorizing use of force against Iraq after its invasion of Kuwait¹⁰), a draft China resolution was tabled at the Commission every year between 1990 and 1997, and again between 1999 and 2001 and in 2004. In 1989, just two months after the showdown with protesters on 4 June, the Sub-Commission adopted a resolution on the ‘situation in China.’¹¹ This was the first time a permanent member of the Security Council had been targeted by a resolution criticizing its domestic human rights record. The Sub-Commission adopted a resolution on Tibet in 1991 but proposed China resolutions in the Commission were thwarted every year (the 1995 resolution was defeated by just one vote).

Defeating these resolutions became a major foreign-policy imperative for China, and it mobilized immense diplomatic and economic resources to support this. Large delegations were sent from Beijing for the sessions and during formal proceedings they made robust objections to the draft resolutions. Strong pressure, however, was applied informally. States with seats on the Commission or with experts serving on the Sub-Commission were showered with high-level Chinese visits in

6 Cited in Ann Kent, *China, the United Nations, and Human Rights – The Limits of Compliance* (Philadelphia: University of Pennsylvania Press, 1999) pp. 34–5.

7 For a detailed discussion of reasons why human rights abuses in China received little international attention in this period, see Roberta Cohen, ‘People’s Republic of China: The Human Rights Exception’, *Human Rights Quarterly*, Vol. 9 (1987): 447–549.

8 Interview with a government delegate conducted by Ann Kent in 1992, *China, the United Nations, and Human Rights*, p. 56.

9 After 1999 the Sub-Commission became known as the Sub-Commission on the Promotion and Protection of Human Rights.

10 Wan, *Human Rights in Chinese Foreign Relations*, p. 113.

11 Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/5, 31 August 1989.

the lead-up to sessions, and during the sessions delegates were aggressively lobbied in the margins of the meetings and even, reportedly, in their hotel rooms.¹² According to a Western diplomat involved at the time, China pursued a ‘very direct’ strategy of ‘rewards and punishments’.¹³ In line with its growing economic clout, trading relationships were often put at stake via offers of investment or threats of trade retaliation. When Denmark announced its intention to sponsor the 1997 resolution, China warned it that relations would be ‘severely damaged in the political and economic trade areas’.¹⁴ Poland’s decision to abstain rather than vote against a procedural motion to block the resolution in 1994 is thought to have been secured with a promise that China would support its bid for a seat on the Security Council.¹⁵

‘ A colleague used to say that more roads than one could count were built in third-world countries that happened to be members of the Commission on Human Rights, because of the introduction of the annual China resolution. He called the annual China resolution a “development plan for the third world”.

Felice Gaer, US human rights expert¹⁶

Enormous political capital was expended by China in its successful quest to derail these resolutions in the Commission. It made a range of concessions along the way, including the release of political prisoners and access to prisons for the International Committee of the Red Cross, invitations to China for the UN High Commissioner for Human Rights and holders of certain human rights mandates created by the Commission (known as the ‘special procedures’), and promises to sign and ratify the ICCPR (signed in 1998) and ICESCR (signed in 1997 and ratified in 2001). From 1996 onwards key states and the EU cut ‘dirty deals’¹⁷ by agreeing to enter into bilateral human rights dialogues as a more ‘cooperative’ means of engaging China on human rights issues.¹⁸ Therefore, instead of quitting the Commission or simply ignoring any criticisms emanating from it, China responded to the challenges presented during these years by agreeing to a raft of measures that further enmeshed it, formally at least, in various international frameworks designed to promote compliance with human rights standards.

This experience at the sharp end of the UN’s human rights accountability processes caused China to retreat from its earlier more permissive, if inconsistent, attitude towards the Commission’s role in exposing and condemning human rights abuses committed by states within their borders. When, in the aftermath of the Tiananmen Square killings, it became clear that China might be the subject of formal

12 According to an NGO representative interviewed by Ann Kent, African delegates were approached by Chinese diplomats in their hotel rooms during the Sub-Commission’s session in 1989. Kent, *China, the United Nations, and Human Rights*, p. 59.

13 Chatham House interview with a Western diplomat, October 2011.

14 ‘China warns Denmark on Resolution’, *New York Times*, 8 April 1997, <http://www.nytimes.com/1997/04/08/world/china-warns-denmark-on-resolution.html>.

15 Human Rights Watch, *Chinese Diplomacy, Western Hypocrisy and the UN Human Rights Commission* (March 1997), <http://www.hrw.org/legacy/reports/1997/china2/>.

16 Human Rights in China, interview with Felice Gaer, ‘Engaging China on Human Rights: The UN Labyrinth’, *China Rights Forum* 2010 No. 3, ‘Engaging Engagement: Conversations and Reflections’, <http://www.hrichina.org/crf/article/3261>.

17 Chatham House interview with a Western diplomat, October 2010.

18 For example, the Canadian government ‘decided in light of the significant weakening of consensus of the resolution among its traditional co-sponsors that it no longer carries the weight it has in past years [...] Rather than co-sponsor the resolution, we would pursue more effective means to influence Chinese respect for the human rights of its citizens’. See Department of Foreign Affairs, ‘Canada Decides Against Co-Sponsoring Human Rights Resolution on China at UN Meeting and Announces Bilateral Package of Human Rights Initiatives’, News Release 70 of 1997, 14 April 1997. In his speech at the UN General Assembly on 24 September 1997, China’s Vice-Premier and Minister for Foreign Affairs Qian Qichen said: ‘We are pleased to see that more and more countries are in favour of dialogue in handling the human rights issue’, A/52/PV.9 at p. 18. Canada has since suspended its dialogue with China, citing lack of progress. Switzerland has also ended its programme of human rights dialogues with China and other states. Norway’s dialogue is thought to have been suspended by China in response to the announcement of the 2010 Nobel Peace Prize for Liu Xiaobo. Human rights dialogues are still held between China and states including Australia, Germany, Hungary, Japan, the United Kingdom and the United States, as well as with the EU.

censure by the Sub-Commission, the government's opposition to 'naming and shaming' approaches crystallized. From this moment onwards it became a central plank of its general agenda within the UN to promote ultra-statist conceptions of sovereignty and the principle of non-interference. Thus China rejected outright the legitimacy of resolutions on its domestic situation, arguing that they 'constituted interference in China's affairs and an attempt to exert pressure on China' and were 'incompatible with the purposes and principles of the Charter of the United Nations'.¹⁹

Today memories of this era in Geneva are still very strong within Chinese foreign-policy circles and continue to influence attitudes towards the international human rights system. A number of Chinese international law academics with progressive views about human rights expressed their distaste for 'human rights diplomacy' which, from their perspective, continues to be 'used' by the United States in particular to 'attack' China.²⁰

China's human rights discourse

Chinese commentators agree that the 'sovereignty-bound' approach to international relations and international law is rooted in the period of China's subjugation to European powers following the Opium War (1839–42) and the unequal treaties it was forced to sign, granting concessions and various other privileges to these powers.²¹ From the fall of the Qing dynasty in 1911 onwards, China's leaders invoked the principles of state sovereignty and sovereign equality as a protection against further foreign incursions. The Five Principles of Peaceful Coexistence – mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in internal affairs, equality and mutual benefit, and peaceful coexistence – were agreed by China and India in 1954 and remain the most important encapsulation of China's approach.²² During debates in the Commission on Human Rights about the Tiananmen Square killings, China referenced these principles as the basis of its international relations.²³

Developing countries like China promote general principles of international law including sovereignty, equality and non-intervention in domestic affairs. The major focus is on domestic affairs – how to develop and how to keep the domestic legal order stable. It is the way weak countries think about and are sensitive to outside intervention. There is also the legal experience of China in the nineteenth century. Most developed countries have a bad memory of their behaviour towards China.

Chinese international law academic²⁴

19 Cited in Kent, *China, the United Nations, and Human Rights*, p. 58.

20 This was a recurring theme in the interviews conducted in China in May and June 2012.

21 See, for example, Xue Hanqin, *Chinese Contemporary Perspectives on International Law – History, Culture and International Law* (The Hague: Martin Nijhoff, 2012), p. 61; Li Zhaojie, 'Legacy of Modern Chinese History: Its Relevance to the Chinese Perspective of the Contemporary International Legal Order', *Singapore Journal of International and Comparative Law*, Vol. 5 (2001); Shan Wenhua, 'Redefining the Chinese Concept of Sovereignty', in Wang Gungwu and Zheng Yongnian, *China and the New International Order* (Abingdon: Routledge, 2008) pp. 53–80. One former Chinese diplomat interviewed in May 2012 said that even today international law continues to have 'a bad image' within the Ministry of Foreign Affairs – a situation dating from this era.

22 The Five Principles of Peaceful Coexistence were first proposed by Chinese Premier Zhou Enlai during negotiations with India in 1953–4 over relations between these two states concerning Tibet. They were incorporated into the Agreement between the Republic of India and the People's Republic of China on Trade and Intercourse between Tibet region of China and India (also known as the Panchsheel Agreement), signed by both states on 29 April 1954. Joint statements affirming the principles were issued shortly afterwards by China and India (28 June 1954) and China and Burma (19 June 1954). The five principles were also woven into the 'Ten Principles of Bandung' adopted by 29 states that attended the Asian–African Conference in Bandung, Indonesia in April 1955.

23 See, for example, E/CN.4/Sub.2/1990/SR.40 at p. 19. Chinese students learn about these principles in middle school and diplomatic recruits receive specific training on them. Chatham House interview with a Chinese diplomat, 2011.

24 Chatham House interview, June 2012.

China invoked its sovereignty not only to deflect international scrutiny of its actions in 1989 but also to justify them, arguing that its use of force against the protesters was ‘within its sovereignty’ and necessary ‘to quell the rebellion, protect the interests of its people and ensure the development of the country and the success of the reform process.’²⁵ Indeed, in the Chinese conception, sovereignty is presented as the cornerstone of or precondition for all rights.

“ A country’s sovereignty is the prerequisite for and the basis of the human rights that the people of that country can enjoy. When the sovereignty of a country is put in jeopardy, its human rights can hardly be protected effectively. ”

Minister for Foreign Affairs of China Tang Jiaxuan addressing the UN General Assembly on 22 September 1999²⁶

These were not isolated arguments but part of a broader discursive strategy by China to promote a Chinese understanding of human rights that accorded with its interests. This project had antecedents in scholarship from the revolutionary period exploring human rights through the lens of socialist theory, but it received new political impetus in the face of heavy international criticism of China’s record. According to a Chinese international law academic, the persistence of these criticisms means that human rights continue to be seen as primarily an international relations issue within China.²⁷ There is still a strong ideological dimension to many of the discussions that take place. In the early 1990s, Chinese academics were encouraged to devote intellectual energies to the subject, numerous government white papers on human rights were published from 1991, and in 1993 the China Society for Human Rights Studies was established to coordinate work in this field and disseminate Chinese ideas about human rights domestically and internationally.²⁸

“ They take the wording we use but then use it in a different way such that there is a great risk that we are not talking about the same things any more! ”

Western diplomat, Beijing²⁹

The key features of China’s official conception of human rights are well known and may be summarized as follows:

- **Clear prioritization of socio-economic rights:** China has consistently promoted a hierarchy of rights in which social and economic rights are privileged over civil and political rights. In its 1991 white paper, the Chinese government asserted that ‘the right to subsistence is the most important of all human rights, without which the other rights are out of the question.’³⁰ In line with its aspirational and collective view of human rights, China scrupulously avoids any suggestion that socio-economic rights should be enforceable by individuals. Chinese officials often express frustration that China is not sufficiently credited within the international human rights system for its extraordinary achievement of lifting hundreds of millions of people out of poverty in just a few decades.

25 E/CN.4/Sub.2/1990/SR.40 at p. 19.

26 A/54/PV.8, 22 September 1999, at p. 16.

27 Chatham House interview with a Chinese international law academic, June 2012.

28 The China Society for Human Rights Studies describes itself as ‘the largest national non-governmental organization in China’ – see http://www.chinahumanrights.org/cshrs/Introduction/t20070628_262536.htm. However, according to a Chinese academic interviewed, it is funded by and ‘very close’ to the Communist Party, which explains the ‘ideological’ nature of its work: ‘the priority for the society is to tell foreigners about Chinese policy’, Chatham House interview, June 2012.

29 Chatham House interview, May 2012.

30 Information Office of the State Council of the PRC, ‘Human Rights in China’ (1991), chapter on ‘The Right to Subsistence – The Foremost Human Right, The Chinese People Long Fight For’, <http://www.china.org.cn/e-white/7/index.htm>.

‘ For developing countries, economic, social and cultural rights should be put [as] the first priority so people can lead a decent life and to realize the Millennium Development Goals. ’

Chinese diplomat³¹

- **A development paradigm:** Human rights are viewed as a ‘noble goal’³² or ‘cause’³³ to be pursued by a state according to its level of development, rather than a set of binding international legal obligations. During the 1990s, China championed the ‘cultural relativist’ argument that a country’s human rights situation could not be ‘evaluated according to a preconceived model or the conditions of another country or region.’³⁴ However, it has since officially accepted the universality of human rights.³⁵ While this shift is regarded as highly significant by Chinese intellectuals,³⁶ China continues to undermine this basic principle with its continued insistence that ‘it is natural for countries to differ on human rights issues’ according to their ‘level of development’ and other social, cultural and historical particularities.³⁷ Further evidence that China is backsliding on the concept of universality can be seen in the new ‘principle of pursuing practicality’ introduced in its national human rights action plan for 2012–15, which entails ‘proceeding from China’s national conditions and new realities to advance the development of its human rights cause on a practical basis.’³⁸

‘ Human rights are universal, but what is the meaning of universality? The final target is the same thing: everyone should enjoy human rights [...] but for people in developed countries the periodical target is different. ’

International Relations expert at a Chinese think tank³⁹

- **Focus on the rights of the many:** China has persistently pushed back against the individualistic orientation of the human rights framework by promoting instead collective rights vested in peoples (or the state) such as the right to development and the right to self-determination in the struggle against colonialism.⁴⁰ More recently, China, alongside Cuba and other states, has suggested that the international human rights framework be expanded to recognize such ‘rights’ as the right to international solidarity⁴¹ and the right

31 Chatham House interview, March 2012.

32 Information Office of the State Council of the PRC, ‘Human Rights in China’, ‘Preface’.

33 In her 2011 lecture series on ‘Contemporary Chinese Perspectives on International Law’, Xue Hanqin, a Chinese judge serving on the International Court of Justice, subtly distinguishes ‘human rights’ from ‘law’ and presents the former as a ‘cause’ to be ‘promoted in line with each State’s social and economic development’. See Xue, *Chinese Contemporary Perspectives on International Law*, pp. 125, 144.

34 Information Office of the State Council of the PRC, ‘Human Rights in China’, ‘Preface’.

35 One Chinese academic explained that ‘China’s policy on human rights changed under the leadership of President Hu Jintao. In particular, China has now officially recognized the universality of human rights. This was made clear in China’s support for the resolution establishing the Human Rights Council in 2006. Before this China did not recognize the universality of human rights; it argued that developing countries had different ideas.’ Chatham House interview, June 2012.

36 This point was emphasized by a number of different Chinese international law academics interviewed in May and June 2012. It was suggested that this has made it easier to pursue scholarship in the human rights field.

37 See, for example, China’s voluntary pledge when seeking election to the UN Human Rights Council in 2006, See UPR Info, http://www.upr-info.org/IMG/pdf/hrc_pledges_china_2006.pdf.

38 National Human Rights Action Plan of China (2012–2015), ‘Introduction’, http://www.china.org.cn/government/whitepaper/node_7156850.htm.

39 Chatham House interview, May 2012.

40 See, for example, E/CN.4/1984/SR.16 at p. 13.

41 A Chinese representative made this point during the 12th session of the Human Rights Council, 17 September 2009. See UN press release, ‘Human Rights Council holds interactive discussion with experts on water and sanitation, toxic waste and international solidarity’, <http://www.unhcr.ch/hurricane/hurricane.nsf/view01/D0BBAFD0E83FA32FC1257635001D69BF?opendocument=>

to peace.⁴² It has also sought to generalize the concept of individual duties, built into certain human rights such as freedom of expression, as a basis for restricting the scope of individuals' rights.⁴³ China's head of delegation at the 1993 Vienna Conference on Human Rights stressed that 'Nobody shall place his own rights and interests above those of the state and society, nor should he be allowed to impair those of others and the general public.'⁴⁴

Culturally, collective and societal interests are always viewed with deference in the Chinese society. It is a virtue that in pursuing social harmony, peace and order, collective and communal interests, if necessary, should prevail over individual interest.

Xue Hanqin, Chinese judge serving on the International Court of Justice⁴⁵

- **Stability as a precondition for the enjoyment of rights:** China views the maintenance of public order as a paramount obligation of the state even at the expense of the most fundamental rights of dissidents as its unyielding defences of the Tiananmen Square killings and subsequent crackdowns illustrate. The importance of stability continues to be a major theme in China's human rights discourse. After the 9/11 attacks, China seized the opportunity afforded by the intensive counter-terrorism focus of Western states to propose that security itself be conceived of as a 'fundamental human right'.⁴⁶

The question of how to keep the peace and promote stability is very important. Human rights is a luxury in this situation [...] Some Chinese academics are against the government on certain topics but in general they agree with the Chinese government's viewpoint. There is a shared concern about stability in Chinese society and how to balance this is not easy. Chinese scholars are actively debating this.

Chinese international law academic commenting on the Arab Spring and the human rights challenges connected with insecurity in China⁴⁷

It is worth emphasizing that while the topic of human rights remains sensitive in China, it is not taboo; despite the dominance of this official exposition of human rights in the public discourse, there is more freedom than is sometimes assumed for Chinese academics to explore and debate issues of human rights law and policy within certain parameters. A number of experts interviewed pointed to the decision of the current leadership to accept the universality of human rights and the inclusion of references to human rights in China's 2004 constitution as important turning points in this regard. Perhaps reflecting reduced restrictions for those focused on international, as opposed to domestic, human rights issues, one international law academic stressed that 'there is no iron curtain'.⁴⁸

42 See, for example, 20th session of the Human Rights Council, 29 June 2012, <http://www.unmultimedia.org/tv/webcast/2012/06/china-gd-item5-22nd-meeting-20th-session.html>.

43 China strongly supported an initiative in the UN Commission on Human Rights on 'human rights and human responsibilities'. The initiative was launched in 2000 by a group of 'like-minded' states including China and led to a pre-draft declaration on 'human social responsibilities' which never came to fruition. China presented draft decisions on this topic at the 60th and 61st sessions of the Commission in 2004 and 2005 (these decisions were adopted as E/CN.4/DEC/2004/117 and E/CN.4/DEC/2005/111 respectively).

44 Statement by Liu Huaqiu, Head of the Chinese Delegation, at the World Conference on Human Rights in Vienna, 17 June 1993.

45 Xue Hanqin, *Chinese Contemporary Perspectives on International Law*, pp. 149–50.

46 Luo Haocai, 'Remarks at the Opening Ceremony of the Beijing Forum on Human Rights', in Dong Yunhi and Chen Zhengong (eds), *Development, Security and Human Rights* (China Intercontinental Press, 2009), p. 1.

47 Chatham House interview, June 2012.

48 Chatham House interview, June 2012.

3 China and the UN Human Rights Council

China's successful manoeuvring within the UN Commission on Human Rights was an inspiration for other states attempting to shield themselves from scrutiny. By the turn of the century, seeking and securing election to this body was *de rigueur* for chronic violators such as the Democratic Republic of the Congo, Libya, Sudan, Saudi Arabia and Zimbabwe. In 2005, UN Secretary-General Kofi Annan publicly warned the Commission that its poor performance was casting a stain on the reputation of the UN as a whole, and in the same year the General Assembly voted to abolish it and replace it with a Human Rights Council.

Table 1: Comparison of the UN Commission on Human Rights and the Human Rights Council

Commission on Human Rights	Human Rights Council
Reported to the Economic and Social Council, which in turn reports to the General Assembly	Reports directly to the General Assembly
53 members	47 members
No membership standards	A candidate state's contribution to 'the promotion and protection of human rights' and commitments made in its voluntary pledge to be taken into account during elections
No mechanism for suspending members	Membership can be suspended by a two-thirds majority of the General Assembly for 'gross and systematic violations of human rights'
No time limit on membership	Limit of two consecutive terms of three years each before a state must rotate off for at least one year
Single annual session of six weeks	At least three regular sessions per year spread over a minimum of 10 weeks
Emergency sessions required support of a majority of members	Special sessions require support of one-third of the members

China understood that the creation of the Human Rights Council was both a threat and an opportunity for its agenda to avoid censure, and it engaged heavily in the institution-building negotiations. Its main argument was that processes geared towards 'finger-pointing' should be replaced by 'dialogue and cooperation'. When it became clear that country resolutions would continue to form part of the Council's toolbox, China strenuously lobbied for a procedural provision requiring, first, support from one-third of the membership before such a resolution could be tabled and, second, support from two-thirds of the membership for adoption.⁴⁹ This proposal

49 Meghna Abraham, 'Building the new Human Rights Council – Outcome and Analysis of the Institution-building Year', Dialogue on Globalization, Occasional Papers – Geneva, No. 33, August 2007, p. 14, <http://library.fes.de/pdf-files/bueros/genf/04769.pdf>.

was not accepted, although a responsibility was placed on states proposing country resolutions to ensure 'the broadest possible support for their initiatives (preferably 15 members)', a measure widely perceived as an effort to spare embarrassment for China.⁵⁰ China also sought to clip the wings of the special procedures that had emerged as among the strongest of the Commission's mechanisms. The special procedures were maintained, but a review was commissioned in order to explore, among other things, how they could be 'strengthened' and rationalized.

The Human Rights Council's flagship universal periodic review (UPR) process, requiring every member state of the UN to participate in a peer evaluation of its human rights performance, can be seen as consistent with China's long-term insistence that means should be found to promote dialogue and cooperation on human rights matters, even if stronger enforcement tools such as country resolutions were retained. It was agreed that the UPR would be conducted in an 'objective, transparent, non-selective, constructive, non-confrontational and non-politicized manner' and that, without prejudice to a state's legal obligations, the review would 'take into account the level of development and specificities of countries.'⁵¹ In a context where there is strong political reluctance to stimulate initiatives targeting China (see below), the opportunity afforded by UPR for the Council to hold a three-hour discussion of human rights in China has been welcomed by many diplomats and NGOs.

From the perspective of China's interests, the most advantageous aspect of the transition to the Council lay, however, in the new equitable geographical distribution of seats, with a greater share of seats (26 out of 47) for the Asia and Africa groups from which it had traditionally secured its support, and a diminution of the West's share to just seven seats (a further six states were for the group of East European states).

China was among the first states elected to the Council at its launch in 2006 and was re-elected in 2009. At the end of 2012 it will stand down after serving the maximum two consecutive terms. This provides an ideal opportunity for a stocktaking and evaluation of China's contributions during the first six years.

An empirical study of China's activities within the Council up to and including the 20th regular session between 18 June and 6 July 2012 makes it possible to assess its position in that body. China's formal activities are examined via an analysis of session reports, other documentation and webcasts of the Council's first 20 regular sessions and 19 special sessions, supplemented by insights into China's informal activities shared by diplomats, other government and UN officials, and human rights NGOs active in Geneva. The remainder of this chapter sets out the findings of this study.

Is China untouchable in the Human Rights Council?

China's human rights record has received remarkably little attention in the Human Rights Council despite strong evidence of serious human rights abuses in recent years, including crackdowns on Tibetan and Uighur protesters, and on intellectuals, lawyers and political activists associated with both the Charter 08 movement and efforts to spark a Chinese 'Jasmine revolution' in 2011. Although these and other episodes of repression have made international headlines, the situation of human rights in China has remained firmly off the Council's agenda.

50 Chatham House interview with a Western diplomat, April 2011.

51 A/HRC/5/1.

Clearly this reflects the new balance of power within the Human Rights Council, but there is also a sense of defeatism among many Western diplomats about the utility of using even an unsuccessful China resolution as a lever. One senior European diplomat in Geneva said that these days ‘no one would dare’ table a resolution on China⁵² and another that the Chinese government has ‘managed to dissuade states from action – now people don’t even raise it’.⁵³ A small number of diplomats expressed a view that more should be done to increase the focus on China in the Council, especially given the ineffectiveness of the bilateral human rights dialogues (see below), but they concede that vehicles other than a resolution would need to be found.

“It is so obvious that you don’t take China on in the Human Rights Council [...] it’s a question of the numbers. Then there is a question about whether it could be helpful, but this discussion hasn’t even been had.”

Western diplomat in Geneva⁵⁴

Despite this failure to table a China resolution, the country is often criticized by Western states during general debates under various agenda items, including item 4 on ‘Human rights situations that require the Council’s attention’. China invariably demands a right of reply and defends its record while also retaliating against its critics. For example, when Sweden raised concerns about the violent suppression of protesters in Tibet in 2008, China justified its efforts to ‘maintain its national integrity while ensuring security in Tibet’ and retorted that ‘[a]cts of violence against children in Sweden were alarming and the Swedish Government should rather take actions in this regard’.⁵⁵ After the EU responded to China’s crackdown on Uighur protesters in Xinjiang in July 2009 by emphasizing the importance of freedom of expression, the right to peaceful assembly and the rights of detainees, China responded by describing the protests as violent crimes organized by separatists and expressed its ‘great concern’ about discrimination against Roma and other ethnic minorities and migrants in EU member states and the incitement of religious hatred ‘in the fight against terrorism’.⁵⁶

“2008 was a reflection point for the Chinese. The global financial crisis accelerated the shift in power towards China, but then there was the unrest in Tibet and Xinxiang followed by the Arab Spring, which made China less stable domestically.”

Western diplomat in Beijing⁵⁷

China’s strongest counter-attacks are, however, directed at the United States.⁵⁸ In 2008, after the latter raised concerns about Tibet in a general debate under an agenda item concerning the Vienna Declaration and Programme of Action, China, after interrupting three times to object on a point of order, protested that ‘the Tibet issue is solely China’s internal affair, it falls outside the purview of the Council’ (the Chinese government and many ordinary Chinese people regard any support for the Dalai Lama by other states as a calculated attempt to damage China’s interests rather than an act of principle stemming from a genuine desire to promote human rights).

52 Chatham House interview, January 2012.

53 Chatham House interview, January 2012.

54 Chatham House interview, January 2012.

55 8th session of the Human Rights Council, 6 June 2008. See UN press release, ‘Human Rights Council discusses human rights situations that require its attention’, <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/BBFFF641384F157DC12574630026EAB4?opendocument>.

56 12th session of the Human Rights Council, 22 September 2009, <http://www.un.org/webcast/unhrc/archive.asp?go=090922>.

57 Chatham House interview, May 2012.

58 Since 1998, the Information Office of the State Council of the PRC has produced annual reports criticizing the domestic human rights record of the United States, inspired by the State Department’s annual Country Reports on Human Rights Practices. Material in these reports has often formed the basis for the counter-attacks directed by China at the United States in the UN Human Rights Council.

Addressing the US delegation directly, the Chinese delegate declared: ‘You should reflect on your record of massive violation of human rights in Iraq and other places in the world. One may ask what other country in the world dares to violate human rights so blatantly.’⁵⁹ In 2010, after the United States mentioned China’s clampdowns on ethnic minorities, human rights activists and public-interest lawyers in its item 4 statement, China replied by highlighting the ‘gross problem of domestic violence, and a huge gap between rich and poor’ as well as racial discrimination and the ‘systematic violation’ of the rights of indigenous peoples.⁶⁰ In a session later that year, China objected that various criticisms in the Council by the United States and EU ‘ran counter’ to the ‘spirit’ of the human rights dialogues, thereby reminding the West of the origins of these dialogues in political deals designed to end confrontation with China in the Commission.⁶¹

Any criticism of China in the Human Rights Council by the High Commissioner or the special procedures similarly meets with a robust response. For instance, in late 2009 when the current High Commissioner, Navi Pillay, condemned China’s use of violence in the context of the ‘disturbances’ in Xinjiang and Tibet, China rebuked her both for ‘point[ing] fingers at sovereign states’ and for straying from the principles of ‘objectivity and impartiality and mandate given to [the Office of the High Commissioner for Human Rights, OHCHR] by the General Assembly’.⁶² China seeks to avoid negative attention from the special procedures by restricting their access to the country. Despite pressure from the EU and Western states during the human rights dialogues, China has refused to issue a standing invitation to the special procedures and defends this in terms of its sovereignty.⁶³ Any criticism from those allowed to visit China is rejected. Even the Special Rapporteur on the right to food, a mandate that China has warmly supported, was accused of ‘unfounded’ analysis and misunderstanding the Chinese system after raising concerns about food security for vulnerable groups including nomadic people in the autonomous regions and internal migrant workers.⁶⁴ When the Special Rapporteurs on torture and on human rights while countering terrorism, and the Working Groups on arbitrary detention and on enforced or involuntary disappearances, criticized China’s detention practices in their joint report on secret detention in the counter-terrorism context, China joined a number of developing and developed states in expressing concern about the methodology of the study and ‘refused the allegations in the report against the authorities in China.’⁶⁵

‘China is still a developing country so it has to be careful since so many special procedures want to visit.’

Chinese diplomat⁶⁶

59 7th session of the Human Rights Council, 25 March 2008, <http://www.un.org/webcast/unhrc/archive.asp?go=080325>.

60 13th session of the Human Rights Council, 15 March 2010, <http://www.un.org/webcast/unhrc/archive.asp?go=100315>.

61 14th session of the Human Rights Council, 8 June 2010, <http://www.un.org/webcast/unhrc/archive.asp?go=100608>. Note that the United States maintains that its bilateral human rights dialogue with China is not tied to any commitment to stop supporting China resolutions in the Council, Chatham House interview, October 2011. The EU has made similar general claims that the existence of an EU human rights dialogue with a third state will not preclude it from submitting or supporting resolutions regarding the human rights situation in that state in either the UN Human Rights Council or the General Assembly. See Council of the European Union, ‘EU Guidelines on Human Rights Dialogues with Third Countries – Update’, 16526/08, 22 December 2008, at para 9.

62 12th session of the Human Rights Council, 15 September 2009. See UN press release, ‘High Commissioner for Human Rights updates the Human Rights Council on developments in the human rights sphere’, <http://www.unhcr.ch/hurricane/hurricane.nsf/0/30DFF0AA793238C8C125763200459CD5?opendocument>.

63 See, for example, 3rd session of the Human Rights Council, 5 December 2006. See UN press release, ‘Human Rights Council discusses progress report on review of mandates’, <http://www.unhcr.ch/hurricane/hurricane.nsf/view01/67CF3F954383736AC125723B0058FE95?opendocument>.

64 19th session of the Human Rights Council, 6 March 2012, <http://www.unmultimedia.org/tv/webcast/2012/03/china-concerned-country-id-on-right-to-food-and-housing-19th-meeting-19th-session.html>.

65 14th session of the Human Rights Council, 3 June 2010. See UN press release, ‘Human Rights Council holds interactive dialogue on a joint study on Global Practices of Secret Detention’, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10103&LangID=E>.

66 Chatham House interview, March 2012.

China's hostility to NGOs seeking to expose its human rights violations at the Council (and indeed to NGOs generally) is also notorious. It is known to have acted to prevent certain NGOs critical of its human rights record from obtaining the necessary accreditation to participate in sessions of the Council.⁶⁷ Those that do attend have their evidence rebutted and are otherwise undermined by China. For example, the UN Association of San Diego was denounced as 'increasingly becoming an anti-Chinese and anti-government organization' after a Falun Gong activist spoke on its behalf about the treatment of Falun Gong members.⁶⁸ China frequently interrupts NGO statements with procedural objections, accusing them of 'abusing' their standing at the UN,⁶⁹ violating procedural rules⁷⁰ or even challenging the *bona fides* of their representatives.⁷¹ There are perceptions in Geneva that it also tries to sabotage NGO side events dealing with human rights in China by arranging for them to be held in 'hard to reach parts of the UN'.⁷² Interestingly, a number of diplomats and other observers reported a recent reduction in efforts to shut down NGOs seeking to criticize China within the Council, which may reflect a realization that these tactics are counter-productive because they merely generate increased publicity for the NGOs.⁷³

China was really worried about Tibet but actually we weren't going to raise Tibet in that forum. They finally agreed [the order of NGO speakers]. The secretariat told them that in trying so hard to block us they were simply giving us campaign material, in other words something to point to when showing the lengths China is prepared to go to in order to stifle criticism.

NGO representative in Geneva speaking about China's UPR⁷⁴

China's first UPR took place in 2009 and was probably considered a success from its point of view. China went to great lengths to minimize the airing of sensitive issues and, no doubt reflecting Chinese orchestration, many friendly states including Algeria, Russia, Sri Lanka, Sudan, Cuba and Iran made highly complimentary statements focused on China's impressive achievements in combating poverty.⁷⁵ Cuba also noted that China was 'obliged to enforce severe laws against activities aimed at destroying the regime'⁷⁶ and Iran recommended that China 'strengthen internet governance to make sure the contents that incite war, racial hatred or defamation of religions are prohibited and pornographic websites that are harmful to children and minors are banned or restricted'.⁷⁷ It is widely suspected that China sought to dilute criticisms in the civil society report compiled by the OHCHR by flooding the office with submissions from government-organized

67 NGOs require consultative status with the UN Economic and Social Council in order to participate in sessions of UN bodies including the Human Rights Council.

68 13th session of the Human Rights Council, 16 March 2010. See UN press release, 'Independent Expert on Minorities presents reports to Human Rights Council', <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=9911&LangID=E>.

69 For example, 4th session of the Human Rights Council, 29 March 2007. See UN press release 'Human Rights Council discusses the death penalty, institution building and other issues', <http://www.unhcr.ch/hurricane/hurricane.nsf/0/BB9CACC2650150BEC12572AE002BAA97?opendocument>.

70 For example, 17th session of the Human Rights Council, 3 June 2011. See UN press release 'Human Rights Council hears presentation of thematic reports and starts general debate', <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11112&LangID=E>.

71 For example, during the 4th session of the Human Rights Council, on 30 March 2007, China asked the secretariat to hold an inquiry into how a particular person gained access to the Council and spoke on behalf of an NGO that he apparently did not represent. See UN press release, 'Human Rights Council concludes fourth session', <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=1244&LangID=E>.

72 Chatham House interview with a Western diplomat in Geneva, January 2012.

73 This observation was made in a number of interviews conducted in Geneva in early 2012. According to one NGO representative, however, China has since stepped up attacks on its NGO critics. Chatham House correspondence, October 2012.

74 Chatham House interview, November 2011.

75 A/HRC/11/25.

76 *Ibid.*, at para 46.

77 *Ibid.*, at para 59.

NGOs praising China's human rights performance,⁷⁸ and that it sought to block accreditation for genuine NGOs seeking to participate.

Particular pressure was placed on states not to mention Tibet and those that did were reprimanded. China is said to have cancelled its bilateral human rights dialogue with New Zealand after it mentioned both Tibet and the Dalai Lama.⁷⁹ When the final report was presented, China announced that it accepted and would implement the 'feasible recommendations that suit China's realities.'⁸⁰ China's UPR was ultimately criticized by Human Rights Watch as a 'mockery'⁸¹ but staff at another NGO were pleasantly surprised by China's suggestion that it would take away and study areas where it did not accept a recommendation.⁸²

China's general approach in the Human Rights Council

Apart from when it is defending its own human rights performance, China has tended to maintain a low profile at the Human Rights Council.⁸³ Many interviewees emphasized that China is not visibly proactive there and most consider that the Chinese Permanent Mission holds a 'passive brief' generally. The Chinese ambassador very rarely attends sessions and other Chinese diplomats are often in monitoring mode, watching proceedings, reporting back to Beijing and waiting for instructions.

China is always quiet unless it feels under attack [...]. They have a "watch out" policy, their role is primarily passive.

African diplomat in Geneva⁸⁴

Like many states, China has always been highly selective about the issues in which it becomes involved at the Council. However, its careful avoidance, until recently, of leadership in this forum is particularly notable given China's status as one of the world's most powerful states. China has eschewed leadership even on issues considered to be of importance to it, such as socio-economic rights and the right to development. To date, it has introduced only two resolutions, one on the impact of globalization on the enjoyment of human rights and the other on the staff composition of the OHCHR. Each of these resolutions was introduced in the 2nd session but they were essentially business carried over from the Commission.⁸⁵ During the first 20 regular sessions (and 19 special sessions) of the Council, China co-sponsored a total of 58 resolutions, but these were on a limited range of themes including international solidarity, cultural rights, the right to food, OHCHR staffing, the right to development and traditional values.

78 Atlantic Council and Chatham House, *Transatlantic Dialogues on International Law, 'Rising Powers and International Human Rights Law – A Transatlantic Challenge'*, summary of meetings held 24–25 October 2011 and 1–2 December 2011, p. 6, <http://www.chathamhouse.org/sites/default/files/public/Research/International%20Law/011211summary.pdf>.

79 Chatham House interview with a Western diplomat, April 2011.

80 A/HRC/11/37 at para 520.

81 Human Rights Watch, 'China: Government rebuffs UN Human Rights Council', 11 June 2009, <http://www.hrw.org/news/2009/06/10/china-government-rebuffs-un-human-rights-council>.

82 Chatham House interview with an NGO, February 2011.

83 See also Human Rights Watch, *Keeping the Momentum – One Year in the Life of the UN Human Rights Council*, September 2011, section on China, pp. 36–9.

84 Chatham House interview, March 2012.

85 Draft resolutions A/HRC/2/L.23 and A/HRC/2/L.24. Both were deferred until the 4th session of the Human Rights Council owing to pressures on the Council's agenda.

Generally speaking, Chinese diplomats intervene sparingly in informal consultations and are said by other delegations to be uncomfortable with multilateral negotiations. One diplomat explains that ‘They’re not interested in grand statements publicly, they prefer to work quietly to achieve the changes they need.’⁸⁶ For example, during negotiations over a resolution establishing a new Special Rapporteur on freedom of association, Chinese diplomats are said to have ‘made one intervention in a total of six informal meetings and that was basically to reserve their position’. In the minutes before adoption ‘there was frantic movement on the floor’ when it became clear that Cuba and Russia were prepared to support the resolution and that China would be isolated. The Chinese representatives are said to have approached the US ambassador on the floor and sought more time to secure instructions from Beijing. The United States refused on the basis that China had had plenty of time to engage in negotiations. The resolution was adopted without a vote, although China explained in a general statement that it was dissociating itself from the consensus.⁸⁷

‘ On thematic resolutions they’re in the room but not active. They hardly ever make drafting suggestions. They tend to make a general statement at the beginning but they won’t be there during the end-game huddle. They will ignore anything they can. ’

Western diplomat in Geneva⁸⁸

Chinese delegates tend to avoid active lobbying in the Council unless China’s direct interests are at stake and this can be a source of frustration among its allies. For example, Russian delegates have been observed urging their Chinese counterparts to engage more in relation to certain resolutions, including country resolutions,⁸⁹ and Sri Lanka reportedly considers that it could have defeated a resolution on Sri Lanka in early 2012 had China done more to lobby on its behalf.⁹⁰ Little evidence was found in this study of China exerting pressure on other developing states in relation to Human Rights Council business, though there are exceptions to this (for example in relation to a recent initiative on freedom of expression and the internet – see below). Nor does its Permanent Mission tend to hold side events during Council sessions to promote issues of interest to China in a less formal setting.

In contrast to the informal consultations, China is careful in the formal sessions to justify its membership of the Council by being visible and viewed as a constructive participant, even if many of the views it puts forward are controversial. Right from the beginning, it has made frequent interventions during interactive dialogues and general debates but these are often anodyne, merely stating China’s support for a particular initiative or taking an opportunity to reinforce its preferred understanding of human rights.

‘ The fact that China isn’t leading resolutions doesn’t mean it is not active or responsible. ’

Chinese diplomat⁹¹

86 Chatham House interview, January 2012.

87 15th session of the Human Rights Council, 30 September 2010. See UN press release, ‘Council establishes mandate on Freedom of Peaceful Assembly and Association, extends mandates on Arbitrary Detention, Cambodia and Health’, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10401&LangID=E>.

88 Chatham House interview, January 2012.

89 Chatham House interview with an NGO, November 2011.

90 Chatham House interview with a Western diplomat, May 2012. The resolution A/HRC/RES/19/2 was adopted at the 19th session of the Council.

91 Chatham House interview, March 2012.

China is very active during the UPR process, making statements and recommendations, especially for the UPRs of its neighbouring states, partner states in the developing world and other rising powers. In these interventions, China tends to take an encouraging approach, commending states' progress in achieving economic and social development, and welcoming process developments including adoption of action plans and creation of national preventative mechanisms. Concern for the rights of particular disadvantaged groups, for example disabled people, women, children, migrants and ethnic minorities, is a recurring theme in China's statements in the UPR process and more generally in the Council. Some human rights lawyers in China are sceptical about the drivers for this, suggesting that the rights of these groups are promoted in Geneva 'as part of a strategy to demonstrate China's commitment to human rights and defend its record from criticisms from Western states and NGOs.'⁹²

China rarely permits other states to speak on its behalf. In this regard, a 2011 statement relating to a resolution on Libya delivered by Brazil on behalf of the BRICS (Brazil, Russia, India, China and South Africa) states was highly unusual.⁹³ In the Council's early days, China occasionally spoke on behalf of the Like-Minded Group of States (China was acting on behalf of this group when it introduced the two resolutions referred to above) or on behalf of the group of Asian states,⁹⁴ but such practices were put to rest until China began recently to speak on behalf of a range of states on various issues connected with the Arab Spring (see further below).

Although there seems to have been some opening up recently, Western diplomats have traditionally found it difficult to access their Chinese colleagues in Geneva and work with them on substantive matters. One senior Western diplomat said that when she arrived in Geneva she telephoned China's Permanent Mission to schedule a meeting with her counterpart and was told there was no direct counterpart for her position, and therefore no meeting was arranged.⁹⁵ Another said that after some time posted in Geneva he still had not managed to identify his Chinese counterpart.⁹⁶ Chinese diplomats in Geneva have also been less involved in informal networking events staged by different missions; one diplomat said that this was very different from the UN in New York, where Chinese delegates working on, for example, sustainable development and environment issues were very much seen as 'part of the crowd'.⁹⁷ In December 2011, the Chinese Permanent Mission in Geneva launched a Young Diplomats Forum, which suggests an effort to reach out and become more active and visible beyond the Council's proceedings.⁹⁸

In summary, leaving aside a recent change of approach, which is discussed below, China's general approach within the Human Rights Council has been a near-perfect execution of Deng Xiaoping's famous maxim: 'calmly observe, secure your position, deal with things calmly, hide brightness and cherish obscurity, protect our advantages, never seek leadership, and attain some achievements.'⁹⁹

92 Chatham House interviews, June 2012.

93 17th session of the Human Rights Council, 17 June 2011. <http://www.un.org/webcast/unhrc/archive.asp?go=110617>. This statement is discussed further below.

94 For example, in the 6th session of the Human Rights Council, on 12 December 2007, China delivered a statement on behalf of the Group of Asian States during an interactive dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people. See UN press release, 'Human Rights Council debates protection of rights in fight against terrorism and human rights of indigenous peoples', <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=695&LangID=E>.

95 Chatham House interview, January 2012.

96 Chatham House interview, January 2012.

97 Chatham House interview, August 2012.

98 Chinese Permanent Mission in Geneva, 'Geneva Young Diplomats Forum Tackles Global Security Challenges', 13 December 2011, <http://www.china-un.ch/eng/e1/t886716.htm>.

99 This maxim, coined by Deng Xiaoping in the early 1990s, is often cited in connection with the idea that China should try to maintain a low profile within the international system. It was formulated at a time when China generally lacked the power to impose itself in global affairs and when it was under a great deal of international pressure in relation to the events in Tiananmen Square. The maxim also conveyed the desire of the leadership during this period to focus heavily on domestic affairs. Today there are important debates taking place in China, in international relations circles at least, about the extent to which China should depart from this approach.

China's goals in the Human Rights Council

China has never fully articulated its political goals at the Human Rights Council but the following interlinked priorities can be inferred from its statements and behaviour publicly and behind the scenes.

No China resolution and as little criticism of China as possible

Avoiding a repeat of China's experience of being targeted in the Commission on Human Rights is clearly a primary goal for China's Permanent Mission in Geneva. The agreements with many Western states to enter into bilateral human rights dialogues continue to serve as an insurance policy of sorts against a Council resolution on the human rights situation in China. However, the real protection lies in the new balance of power in the Council which makes the adoption of such a resolution virtually inconceivable (see above).

Having secured its main goal for now, China's immediate objective is for its delegates to minimize criticism within the Council. They are known to lobby Western states in Geneva and in their capitals not to include references to human rights problems in China in agenda item 4 statements, and China's strong responses to any criticism within the Council, whether by states, the High Commissioner, the special procedures or NGOs have been noted above. Indeed, the overriding nature of this specific objective is demonstrated by China's departure from its opposition in principle to attacks on the human rights records of other states when it comes to retaliating against those that criticize China.

“ China's strategy is to make sure nothing is said against China in the Council. When it is successful in this respect it keeps quiet and won't take to the floor. ”

European diplomat in Geneva¹⁰⁰

Ensuring a seat for China on the Human Rights Council

Securing voting rights on the Council is a priority for China. It must rotate off the Council at the end of 2012 but it is already lobbying in capitals to return at the earliest possible opportunity in 2014. A number of Western diplomats said that China's influence was unlikely to diminish in the intervening period. One remarked that

“ they won't have the vote but all the Asian states [...] will continue to consult China.¹⁰¹ ”

Reduced focus on country situations generally

China continues to pursue a more general agenda to stop the Human Rights Council becoming too active regarding the situations in individual countries. This is primarily a means of reinforcing its first goal but it also serves wider foreign policy purposes, including protection for its allies. From the beginning China has discouraged country-specific resolutions and promoted UPR as a more appropriate means of engaging states on their human rights records. China has stated that

100 Chatham House interview, January 2012.

101 Chatham House interview with a Western diplomat in Geneva, January 2012.

such resolutions should be a ‘last resort’¹⁰² and suggested that the Council should instead concern itself with thematic issues such as deaths of children from curable diseases and the rise of race-based hatred and xenophobia.¹⁰³ It has also tended to oppose the holding of special sessions on country situations.¹⁰⁴

China is particularly hostile to country mandates, which it describes as ‘the most politicised aspect’¹⁰⁵ of the Council. In a debate about the Personal Representative of the High Commissioner for Human Rights on the human rights situation in Cuba, China stated that such mandates were ‘against the principle[s] of the Human Rights Council and should be disregarded’.¹⁰⁶ When the Council began to take a tougher line on human rights crises after the onset of the Arab Spring, China urged it to ‘appropriately settle differences through dialogue and cooperation, respect different practices emanating from specific cultural traditions and do away with the practice of using human rights to pursue other political based agendas’.¹⁰⁷

Although China acquiesced in the consensus on the resolution recommending that the General Assembly suspend Libya’s membership, it was clearly uneasy, expressing concern about the implications and stressing that this should not constitute a precedent.¹⁰⁸

China’s opposition to country-specific approaches falls away if the subject state consents to the initiative. For example, China has commended Cambodia for supporting the work of the Special Rapporteur on the human rights situation there and ‘expressed support for the Council to extend the mandate of the Special Rapporteur, in strict conformity to the provisions included in the Institution Building resolution of the Council’.¹⁰⁹ China also supported the special session on assistance to Haiti following the earthquake in 2010, and a range of other initiatives that were not opposed by the state concerned, including the mandate of the Independent Expert on the Situation of Human Rights in Côte d’Ivoire and various capacity-building and technical assistance initiatives for states such as Yemen and Somalia. When the Human Rights Council convened a special session in response to the atrocities committed in the final stage of Sri Lanka’s civil war, China co-sponsored the successful alternative resolution put forward by Sri Lanka that effectively congratulated it for its success in defeating terrorism.

The annual resolution on Burma has been adopted by consensus throughout the life of the Council. Presumably because there is overwhelming support for the mandate established by this resolution and China does not wish to be isolated, it permits it to pass without a vote but invariably dissociates itself from the consensus. This pattern has continued even in recent years when the relationship between China and Burma has been particularly strained. States sponsoring this resolution have

102 4th session of the Human Rights Council, 15 March 2007. See UN press release ‘Human Rights Council discusses reports of working groups on institution-building process of the Council’, <http://www.unhcr.ch/hurricane/hurricane.nsf/0/80EA62B4E4A689D4C125729F0073FFA7?opendocument>.

103 6th session of the Human Rights Council, 24 September 2007. See UN press release, ‘Human Rights Council considers human rights situations that require its attention’, <http://www.unhcr.ch/hurricane/hurricane.nsf/view01/39B1A588E318D643C12573600047A7BC?opendocument>.

104 The 4th special session on Darfur, 12–13 December 2006, is one notable exception. China voted in support of the session at which a consensus decision (A/HRC/DEC/S-4/101) was adopted dispatching an observer mission to assess the human rights situation in Darfur.

105 5th session of the Human Rights Council, 5 December 2006. See UN press release, ‘Human Rights Council discusses progress report on review of mandates’, <http://www.unhcr.ch/hurricane/hurricane.nsf/view01/67CF3F954383736AC125723B0058FE95?opendocument>.

106 5th session of the Human Rights Council, 12 June 2007. See UN press release, ‘Human Rights Council takes up situation of human rights in Belarus and Cuba’, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=7267&LangID=E>.

107 17th session of the Human Rights Council, 15 June 2011. See UN press release, ‘Council hears reports on Côte d’Ivoire and Syria, holds General Debate on human rights situations that require its attention’, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11159&LangID=E>.

108 15th special session of the Human Rights Council, 25 February 2011, <http://www.un.org/webcast/unhrc/archive.asp?go=0115>.

109 18th session of the Human Rights Council, 28 September 2011. See UN press release, ‘Human Rights Council holds interactive dialogues with Experts on Somalia and Cambodia’, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11445&LangID=E>.

gone to great lengths to secure China's acquiescence. Prior to the adoption of the resolution in 2011, five separate meetings are said to have been held with China before the text was finally agreed and references to crimes against humanity and war crimes were omitted as a result.¹¹⁰

They tend to make the general point that they are against country resolutions, but they don't really do lots of work to protect other states. Even with Burma and [the Democratic People's Republic of Korea] it is not clear how much they are protecting these states and how much they are protecting China.

Western human rights adviser in Geneva¹¹¹

Interestingly, there is some evidence that China encourages targeted states to comply with country mandates, even where it has opposed their creation. For example, although China has consistently voted against resolutions on Iran, it is thought to have encouraged Tehran to cooperate with the Special Rapporteur on Iran. A Western diplomat suggested that non-cooperation by partner states with UN mandates 'would be an affront to the UN system' and China, most likely because of its status as a Permanent Member of the Security Council, wishes to avoid any blame for this.¹¹²

Resolutions condemning Israel are often regarded as an 'exceptional' case within the Council. There is a standing agenda item on the 'Human rights situation in Palestine and other occupied Arab territories' and six of the first 19 special sessions have related to these issues. China does not co-sponsor resolutions in this area but it consistently votes in favour of them, and it also supports the convening of the special sessions. It is perhaps ironic that Israel echoes China when denouncing the 'one-sidedness, double standards and politicized decision-making' behind these initiatives,¹¹³ but China apparently distinguishes this as a situation of unlawful occupation for which condemnation is legitimate.

Like a few other countries in the Council, China denounces condemnation and resolutions adopted without the consent of the concerned state, except when it comes to Israel and the [Occupied Palestinian Territories].

Human Rights Watch, September 2011¹¹⁴

Protecting the primacy of states within the UN human rights machinery

China has always engaged heavily on institutional issues in order to assert the sovereignty of states, and hence their control, within the UN, especially in the human rights field (the implications of this in the treaty body context are discussed further below). It is a key driver behind efforts to impose tighter budget scrutiny on the OHCHR and has consistently supported initiatives designed to pressure it in various ways, including by emphasizing the need for 'voluntary' requests by states before technical assistance is provided and promoting an equitable geographical balance in its staffing.¹¹⁵ During the five-year review of the Human Rights Council, China urged the

110 Chatham House interview with a diplomat in Geneva, April 2011. The changes are evident when paragraph 12 of the draft resolution A/HRC/16/L.11 is compared with the same paragraph in the adopted resolution A/HRC/RES/16/24.

111 Chatham House interview, April 2011.

112 Chatham House interview, June 2012.

113 For example, 3rd special session, 15 November 2006. See UN press release 'Special Session of Human Rights Council on Israeli military incursions in Northern Gaza opens', <http://unispal.un.org/UNISPAL.NSF/0/A61F07010D6B91858525722700715065>.

114 Human Rights Watch, *Keeping the Momentum*, p. 38.

115 See, for example, A/HRC/RES/4/6 and the statement delivered by China during the 20th session, 18 June 2012, <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/20thSession/OralStatements/18.%20China,%20Mr.%20Xia%20Jingge.pdf>.

OHCHR when preparing documents for UPR to ensure it ‘fully respects the sovereignty of States under Review’.¹¹⁶

China has also continued with its agenda to constrain the special procedures. The review of special procedures which China strongly supported during the institution-building phase resulted in a code of conduct to strengthen ‘mutual trust and confidence’ between special procedures and the member states.¹¹⁷ During the five-year review, China joined a range of states in calling for a mechanism for monitoring compliance with this code of conduct, including a dismissal procedure ‘in case of persistent non-compliance’.¹¹⁸

China has repeatedly sought to marginalize NGOs within the Council. For example, it proposed early on that they should not be able to engage in interactive dialogue with the special procedures and that specific sessions should be set aside for them to express their views instead.¹¹⁹ As part of the five-year review process, China argued that NGOs should confine their comments on country situations to item 4 of the agenda.¹²⁰

Projecting China’s solidarity with the developing world

The Human Rights Council has been a key venue within which China seeks to demonstrate its membership of and solidarity with the developing world. It consistently seeks a greater focus on the right to development and socio-economic rights, and frequently co-sponsors and/or votes in favour of resolutions on these and other issues promoted by the Non-Aligned Movement and other groupings of developing states such as the Group of African States and the Organization of the Islamic Congress.

‘China’s focus, even in Geneva, is very much on the developing world.’

African diplomat in Geneva¹²¹

A complete summary of China’s voting coincidences with other states for the first 20 regular sessions and 19 special sessions, leaving aside votes on which China has abstained, is provided in Appendix 1. Resolutions on which China has abstained are discussed separately below. Putting these to one side, China’s voting coincidence with the majority of states in the African and Asian states is more than 80%, and it is above 90% with the following states: Cuba (100% – 120 resolutions voted on in total), Egypt (100% – 55 resolutions), Russia (99% – 120 resolutions), Sri Lanka (97% – 32 resolutions), Mali (97% – 31 resolutions), South Africa (96% – 67 resolutions), Azerbaijan (96% – 51 resolutions), Pakistan (95% – 94 resolutions), Nicaragua (93% – 55 resolutions), Algeria (92% – 12 resolutions), Morocco (92% – 12 resolutions), Tunisia (92% – 12 resolutions), Indonesia (91% – 93 resolutions) and Bolivia (91% – 55 resolutions).

116 ‘China Position Paper on the Review of the Work and Functioning of the Human Rights Council’, on file with the authors, at para 3 under ‘Universal Periodic Review’.

117 2nd session of the Human Rights Council, 27 November 2006, in relation to A/HRC/2/L.23, <http://www.un.org/webcast/unhrc/archive.asp?go=061127>. The code of conduct is contained in A/HRC/5/2.

118 ‘China Position Paper on the Review of the Work and Functioning of the Human Rights Council’, at para 1 under ‘Special Procedures’.

119 2nd session of the Human Rights Council, 20 September 2006, in relation to ‘Organization of work’, <http://www.un.org/webcast/unhrc/archive.asp?go=060920>.

120 ‘China Position Paper on the Review of the Work and Functioning of the Human Rights Council’, at para 7 under ‘Agenda and framework for Programme of Work, Methods of Work and Rules of Procedure’.

121 Chatham House interview, March 2012.

There is a strong voting coincidence between China and other BRICS states (see Table 2) although India and Brazil have abstained on a small number of thematic resolutions supported by China, and have either abstained on or voted in favour of a number of country resolutions opposed by China. With the exception of Bolivia, Brazil, Cuba, Ecuador and Nicaragua, there tends to be a lower voting coincidence (50–78%) with Latin American and Caribbean states, mainly because they abstain on or vote against various thematic resolutions supported by China (for example, resolutions on defamation of religions and on traditional values), and they either support or abstain on various country resolutions that China votes against.

Table 2: Voting coincidences between China and other rising powers*

	Council membership	Voting coincidence with China	Divergences
Brazil	2006–11	83%	<p>Consistently abstained on resolutions supported by China on defamation of religion (4th, 7th, 10th, 13th sessions) and on traditional values (12th and 16th sessions). Also abstained on a resolution in the 6th session focused on the work of the OHCHR on racism but supported a more general resolution on racism in the following session.</p> <p>Voted in favour of country resolutions opposed by China relating to the Democratic People's Republic of Korea (DPRK) (7th, 13th and 16th sessions – abstained on the resolution in the 10th session), Sudan (11th and 15th sessions), Iran (16th session), Belarus (17th session) and Syria (16th special session).</p>
India	2006–10, 2011–12	78%	<p>Consistently abstained on resolutions on the right to peace (8th, 11th, 14th and 20th sessions) and defamation of religion (4th, 7th, 10th and 13th sessions).</p> <p>Also abstained on country resolutions relating to DPRK (7th, 10th and 13th sessions), Sudan (11th session), Iran (19th session), and Syria (19th and 20th sessions, 17th and 18th special sessions)</p> <p>Voted in favour of the following resolutions opposed by China: a resolution on Sri Lanka and a second resolution on Syria in the 19th session (this was the most important of the two resolutions adopted on Syria in this session because it extended the mandate of the commission of inquiry established in the 17th special session), and also the resolution that emerged from the 19th special session on Syria.</p>
Russia	2006–12	99%	<p>Voted against a resolution in the 1st session adopting the UN Declaration on the Rights of Indigenous Peoples which China supported.</p>
South Africa	2006–10	96%	<p>Consistently abstained on DPRK resolutions (7th, 10th and 13th sessions).</p>

* Excludes the six votes on which China abstained.

China also actively participates in working groups chaired by developing countries, such as the Open-Ended Working Group on the Right to Development and the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action. This positioning by China alongside the developing world reflects and reinforces its emphasis on South–South cooperation, but it may also be seeking to shore up a reserve power base should it need to mobilize support again from these quarters to defeat censure by the West.

Diplomats at China's Permanent Mission emphasized that China does not wish to be seen as a 'rival' to the West within the Council.¹²² However, voting coincidences between China and Western states are extremely low, especially if resolutions criticizing Israel are put to one side. China has never been on the same side as the United States (member 2009–12 – 69 resolutions voted on in total) or Canada (2006–09 – 51 resolutions) on a vote in the Council, and has only voted consistently with the United Kingdom and France (both of which rotated off the Council in 2011) on Israel resolutions and two other resolutions – a resolution in 2006 on indigenous peoples and one in 2010 on the right to development (the United States was alone in voting against this latter resolution though it has abstained on subsequent versions). There is a higher voting coincidence with Norway (22% – on the Council 2009–12) because Norway joined China in voting for resolutions on the protection of human rights in a multicultural context and on racism in 2011, and Spain (19% – 2010–12), which supported the multiculturalism resolution but abstained on the racism resolution.

Nor does China undertake joint initiatives with Western states, even on issues such as women's rights or the rights of disabled people for which collaboration should be possible if China is to be taken at its word in its stated positions. There is only a handful of examples of China co-sponsoring texts alongside Western states, for example a resolution sponsored by France in the first year on human rights and extreme poverty,¹²³ a resolution introduced by South Africa and co-sponsored by a range of states including China, Belgium, Finland, Norway, Portugal and France launching a process to rectify the anomalous legal status of the Committee on Economic Social and Cultural Rights compared with the other human rights treaty bodies,¹²⁴ and a decision introduced by Australia authorizing a high-level panel discussion on race equality issues inspired by the example of Nelson Mandela.¹²⁵ China has apparently given lukewarm or non-committal responses when Western governments have made overtures towards it in this regard, including in the context of the human rights dialogues. A former Chinese diplomat said that for joint work between China and Western states within the Council 'mutual trust is key, and this is lacking'.¹²⁶

Promoting China's conception of human rights

China uses the Human Rights Council as a platform for amplifying its preferred understanding of human rights (as summarized above). In particular, it emphasizes the importance of the right to development and the challenges faced by poorer states in delivering human rights. For example, it supported the special session on 'The impact of the global economic and financial crises on the universal realization and effective enjoyment of human rights' and co-sponsored the resolution that emerged from this session.¹²⁷ In 2010, China seemed to suggest that even the absolute prohibition of torture should be seen through the lens of development, stating that it was 'necessary to mention that most developing countries might face a lack of resources in their combat against torture and China called for more financial assistance to be provided to those countries'.¹²⁸ It also makes repeated calls for the Council and its special procedures to redress what China perceives as an excessive focus on civil and political rights and to achieve a more 'balanced' emphasis between these rights and economic, social and cultural rights.

122 Chatham House interview, March 2012.

123 A/HRC/RES/2/2.

124 A/HRC/RES/4/7.

125 A/HRC/DEC/15/117.

126 Chatham House interview, May 2012.

127 10th special session of the Human Rights Council. A/HRC/RES/S-10/1.

128 16th session of the Human Rights Council, 7 March 2011. See UN press release, 'Human Rights Council holds interactive dialogue with Special Rapporteurs on protecting human rights while countering terrorism and on torture', <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10811&LangID=E>.

The heavy emphasis that China has placed in recent sessions on the responsibility of states to maintain public order in the face of protests and other activities considered to be subversive is explored further below.

Policing the Council's remit

China has traditionally insisted on a strict division of competence between the various UN organs, and it has been especially keen to quarantine human rights issues within the Human Rights Council and its predecessor, the Commission on Human Rights. It has vigorously campaigned to keep human rights issues off the agenda of the Security Council (see further below), often arguing that they should be dealt with in Geneva, and has frequently objected to human rights language in Security Council resolutions. Chinese diplomats in New York are known to refer lobbyists to the Permanent Mission in Geneva if they wish to discuss human rights matters.¹²⁹

In Geneva, conversely, China works to ensure that the Human Rights Council does not stray into matters that it considers should be dealt with elsewhere within the UN. For example, in relation to a resolution on human rights and counter-terrorism in 2010, China objected to a provision inviting OHCHR and relevant special procedures to engage in dialogue with the Security Council Counter-Terrorism Committee and welcoming further efforts by this committee to integrate a human rights approach into its work. China joined the consensus on this resolution but warned that the Human Rights Council and Security Council were different intergovernmental organizations 'with different functions, and should not meddle in each other's work'.¹³⁰ Similarly, when the concept of the responsibility to protect (R2P) was raised under the agenda item on technical assistance and capacity-building in 2010, China warned that 'the operational possibilities of the concept of responsibility to protect should be discussed in the General Assembly and not in the Human Rights Council'.¹³¹

Voting success

The vast majority of the Council's resolutions are adopted by consensus. In its first 20 regular and 19 special sessions, 316 of the 442 resolutions (71%) were adopted without the need for a vote. Consistent with its preference for cooperation over confrontation within the Council, China has called for more resolutions to be adopted this way and sometimes expresses frustration when consensus has not been possible on a resolution, particularly when its own proposed amendments have been rejected. Of the 126 resolutions adopted after a vote, China abstained on six (see below) and it was on the winning side of the vote in 102 of the other 120 resolutions (85%) voted upon, which demonstrates that the balance of power within the Council is operating in China's favour most of the time.

129 Chatham House interview with an NGO in New York, October 2011.

130 13th session of the Human Rights Council, 26 March 2010. See UN press release, 'Human Rights Council adopts resolutions on human rights and counter-terrorism, trafficking in persons and world of sports free from racism', <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=9945&LangID=E>.

131 13th session of the Human Rights Council, 23 March 2010. See UN press release, 'Human Rights Council adopts UN Declaration on Human Rights Education and Training appoints mandate holders and Members of subsidiary bodies', <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10885&LangID=E>.

Diplomats in Geneva consider that China is particularly averse to isolation, which means it will dissociate itself from the consensus on a text rather than be the only state to vote against it. Examples include country resolutions on Burma,¹³² a thematic resolution in 2010 creating a new mandate on freedom of association,¹³³ and a decision by the Council in 2012 to hold a panel discussion on freedom of expression and the internet.¹³⁴

‘ It is unclear whether China would ever see itself standing alone on a matter of principle. ’

Western diplomat in Geneva¹³⁵

China very rarely abstains on votes in the Human Rights Council. During its first 20 regular sessions, China abstained on only six resolutions: religious discrimination (6th session), good governance and corruption (7th session), medical complicity in torture (10th session), the impact of religious discrimination on economic, social and cultural rights (10th session), sexual orientation and gender identity (17th session), and democracy and the rule of law (19th session). A summary of China’s voting coincidences with other states for the six votes on which China abstained in the relevant period is set out in Appendix 2.

The last two of these resolutions are particularly interesting. The sexual orientation and gender identity resolution was immensely controversial within and beyond the Council and China’s usual allies were polarized on the issue (the only other states to abstain were Burkina Faso and Zambia). When asked about this vote, a Chinese diplomat in Geneva said that ‘this is a very difficult issue in the Council’, which suggests that China’s abstention may reflect a desire not to offend its allies.¹³⁶ China and Cuba abstained and were the only states not to support a 2012 resolution on democracy and the rule of law, which emphasized the importance of ‘genuine periodic elections’ with a choice to ‘support or oppose’ the government and stressed that people must be able to protest peacefully ‘without fear of being injured, beaten, arbitrarily arrested and detained, tortured, killed or subjected to enforced disappearance’.¹³⁷

Table 3 details the few votes in the Council which China has lost and the countries that voted with it.

132 Note that the DPRK resolution was adopted by consensus for the first time at the 19th session in 2012. It is understood that the DPRK asked China, Russia and Cuba not to vote against the resolution because it considered it preferable for the annual DPRK resolution to become adopted without a vote at a point when these three states could register their dissociation (all three states are rotating off the Council at the end of 2012, which means that a resolution on DPRK in 2013 would almost certainly be adopted by consensus with no states dissociating). Chatham House correspondence with an NGO, October 2012.

133 15th session of the Human Rights Council, 30 September 2010. See UN press release, ‘Council establishes mandate on Freedom of Peaceful Assembly and Association, extends mandates on Arbitrary Detention, Cambodia and Health’, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10401&LangID=E>.

134 18th session of the Human Rights Council, 29 September 2011, in relation to A/HRC/18/L.27, <http://www.unmultimedia.org/tv/webcast/2011/09/vote-on-l-27-item1-36th-plenary-meeting-18th-session.html>.

135 Chatham House interview, October 2011.

136 Chatham House interview, March 2012.

137 A/HRC/RES/19/36 at paras 2 and 3.

Table 3: Votes in the Human Rights Council lost by China

Type of resolution – thematic or country	Subject	Session	States voting with China against the resolution	Change in number of states voting with China	Key shifts in state voting practices
Country	DPRK	7th session	7 states: Bangladesh, Cuba, Egypt, Indonesia, Malaysia, Nicaragua, Russia		
		10th session	5 states: Cuba, Egypt, Indonesia, Nigeria, Russia	↓	Bangladesh, Malaysia and Nicaragua switched from votes against the initiative to abstentions; Nigeria switched from abstention to a vote against.
		13th session	4 states: Cuba, Egypt, Indonesia, Russia	↓	Nigeria reverted to an abstention.
		16th session	2 states: Cuba, Russia	↓	Egypt and Indonesia rotated off the Council and were replaced by states that either voted against or abstained.
Country	Sudan	11th session	17 states: Azerbaijan, Bahrain, Bangladesh, Cameroon, Cuba, Djibouti, Egypt, Indonesia, Jordan, Malaysia, Nigeria, Pakistan, Philippines, Qatar, Russia, Saudi Arabia, South Africa		
		15th session	17 states: Bahrain, Bangladesh, Burkina Faso, Cameroon, Cuba, Djibouti, Ghana, Jordan, Libya, Malaysia, Mauritania, Nigeria, Pakistan, Qatar, Russia, Saudi Arabia, Senegal	–	Azerbaijan, Egypt, Indonesia, Philippines and South Africa rotated off the Council. Libya and Mauritania joined the Council and voted against the initiative. Ghana and Senegal switched from abstentions to votes against the initiative; Burkina Faso switched from an abstention to a vote against the initiative.
Country	Iran	16th session	6 states: Bangladesh, Cuba, Ecuador, Mauritania, Pakistan, Russia		
		19th session	4 states: Bangladesh, Cuba, Qatar, Russia	↓	Mauritania switched its vote against the initiative to a vote in favour and Ecuador switched its vote against to an abstention. Pakistan rotated off the Council; Qatar joined the Council and cast a vote against the initiative.
Country	Syria	16th special session	8 states: Bangladesh, Cuba, Ecuador, Gabon, Malaysia, Mauritania, Pakistan, Russia		

Type of resolution – thematic or country	Subject	Session	States voting with China against the resolution	Change in number of states voting with China	Key shifts in state voting practices
Country	Syria	17th special session	3 states: Cuba, Ecuador, Russia	↓	Bangladesh, Malaysia and Mauritania switched from votes against the initiative to abstentions. Gabon and Pakistan rotated off the Council and were replaced by states that either voted against or abstained.
		18th special session	3 states: Cuba, Ecuador, Russia	–	(Malaysia and Mauritania switched abstentions to votes in favour of the initiative.)
		19th session	2 states: Cuba, Russia	↓	Ecuador switched from a vote against the initiative to an abstention. (Bangladesh switched from an abstention to a vote in favour of the initiative.)
		19th session	2 states: Cuba, Russia	–	
		19th special session	2 states: Cuba, Russia	–	
		20th session	2 states: Cuba, Russia	–	(Ecuador switched from an abstention to a vote in favour of the initiative.)
Country	Belarus	17th session	4 states: Cuba, Ecuador, Nigeria, Russia		
		20th session	4 states: Cuba, Ecuador, India, Russia	–	Nigeria switched from a vote against the initiative to an abstention. India returned to the Council and voted against the initiative.
Country	Sri Lanka	19th session	14 states: Bangladesh, Congo, Cuba, Ecuador, Indonesia, Kuwait, Maldives, Mauritania, Philippines, Qatar, Russia, Saudi Arabia, Thailand, Uganda		

– No change in number.

Parentheses indicate subsequent shifts.

The Arab Spring: China steps forward as the Human Rights Council hits its stride

The new forces unleashed by the Arab Spring quickly reached the Human Rights Council, which stunned most observers by rising to the challenges presented by the dramatic events. A special session on Libya was convened on 25 February 2011 and the Council decided, by consensus, to dispatch a commission of inquiry to explore violations of international human rights law and identify those responsible so that they could be held accountable. The Council also recommended

that the General Assembly consider suspending Libya's membership of the Council, the first time this procedure had been invoked.¹³⁸ As noted above, China joined the consensus on this resolution but warned that any suspension should not constitute a precedent.

The next day China voted in favour of Security Council resolution 1970 (2011) referring the situation in Libya to the Prosecutor of the International Criminal Court (ICC). This was the first time it cast a positive vote in favour of such a referral. The Human Rights Council commenced its next (16th) regular session on 28 February, and the following day the General Assembly decided by consensus to suspend Libya's membership of the Council. The Human Rights Council's new strength was evident in other ways during this session. It voted to appoint a Special Rapporteur on Iran, the first time it had established a country mandate (the other country mandates were carried over from the Commission), and authorized a commission of inquiry to investigate abuses following the presidential election in Côte d'Ivoire on 28 November 2010. While China joined in the consensus on the latter initiative, it was one of only seven states to vote against the resolution on Iran. As Ecuador and Indonesia rotated off the Council and were replaced by states with divergent policies, this session also saw a decline from four to two states voting with China against the DPRK mandate. China itself was heavily criticized during this session by a number of special procedures including the Special Rapporteur on human rights defenders, the Special Rapporteur on torture and the Working Group on disappearances, and by a range of Western states and NGOs, including for its imprisonment of Liu Xiaobo, awarded the Nobel Peace Prize 2010, and for the arrests and disappearances of Chinese protesters inspired by the Arab Spring.

The Council met next on 29 April 2011 at the first of four consecutive special sessions on Syria. By this time, the Security Council had adopted resolution 1973 (2011) establishing a no-fly zone over Libya and authorizing 'all necessary measures' to protect civilians 'while excluding a foreign occupation force of any form on any part of Libyan territory'. China acquiesced in this resolution by abstaining on the vote but became disillusioned when NATO commenced a campaign of air strikes, which China came to consider was motivated by an objective to force 'regime change' in Libya.¹³⁹ During the first of the Human Rights Council's special sessions on Syria, China stated in relation to this situation that 'the use or threat of force should be categorically ruled out', a position it has maintained to date in the Security Council, in successive special sessions of the Human Rights Council and elsewhere (see further below).

The Human Rights Council's more muscular approach continued at its next (17th) regular session, which commenced on 30 May 2011. The mandate of the commission of inquiry on Libya was extended by consensus. Reflecting a broader backlash that had begun to set in against the NATO campaign in Libya, Brazil delivered a joint statement on behalf of the BRICS states, explaining that while they joined the consensus, they shared a concern that 'military action will not bring the conflict to an end' and regretted that the resolution did not make reference to all parties in the conflict 'including foreign parties'.¹⁴⁰ A country resolution was passed on Belarus in the face of opposition from China and four other states, and a new country mandate on Côte d'Ivoire was agreed without the need for a vote. The Council also agreed by consensus to hold a panel discussion at the following session on 'the promotion and protection of human rights in the context of peaceful protests'.¹⁴¹ This initiative was driven by a sense that crackdowns in other parts of the Arab

138 A/HRC/RES/S-15/1.

139 On 14 April 2011, China hosted a BRICS summit at which the use of force by NATO in Libya was criticized. See the Sanya Declaration adopted at Sanya, Hainan, China on 14 April 2011, <http://www.brics.utoronto.ca/docs/110414-leaders.html>.

140 17th session of the Human Rights Council, 17 June 2011, in relation to A/HRC/17/L.3, <http://www.un.org/webcast/unhrc/archive.asp?go=110617>.

141 A/HRC/DEC/17/120.

world, particularly Bahrain and Yemen, had to be addressed. China reportedly tried unsuccessfully to confine the geographical scope of the initiative.¹⁴² It also sought but failed to secure text on the need to ‘combat crimes against social order’ and the use of protests by ‘separatists, extremists and terrorists’ to incite hatred and internal conflict and undermine the territorial integrity of states.¹⁴³

China signalled an important change in its diplomatic approach within the Council at the following (18th) regular session. During the panel discussion on peaceful protests, it delivered a high-profile joint statement on behalf of 32 states, emphasizing the duties of governments ‘to take necessary measures to maintain public security, public order and social stability’ in accordance with domestic and international law and urging international cooperation in the human rights field to be carried out ‘with full respect for sovereignty, territorial integrity, political independence, the non-use of force or the threat of force in international relations and non-intervention in matters that are essentially within the domestic jurisdiction of any State’.¹⁴⁴ The statement also warned of dangers caused by ‘misuse of social media’ and noted in relation to the UK riots in the summer of 2011 ‘the announcement of the British Prime Minister David Cameron essentially saying that the British Government is working with the police, the intelligence services and industry to consider suspending relevant web services when people are plotting violence, disorder and criminality by using social media’. The United Kingdom later clarified that it did not support blanket restrictions on use of the internet or social media and had not sought additional powers to close down social media networks following the disturbances.¹⁴⁵

The statement caught many states off guard. As one Western diplomat observed, ‘no one saw it coming – it was the talk of the town afterwards’.¹⁴⁶ Another noted that ‘this was the first time they initiated something in the history of the Council’.¹⁴⁷ When asked about it, the Chinese Permanent Mission was coy about whether China had led the initiative, emphasizing instead that there were ‘shared views’ among the signatories and a belief that ‘China was in a position to deliver the statement’.¹⁴⁸ However, there was a consensus among other diplomats interviewed that China was in the driver’s seat. According to one Western diplomat, ‘they were definitely coordinating it, the young Chinese diplomats fanned out across the room dealing with delegations’.¹⁴⁹

China delivered a further joint statement at the next (19th) regular session on behalf of 30 states during a panel discussion on freedom of expression and the internet.¹⁵⁰ A decision to convene this panel had been taken during the previous session.¹⁵¹ China had strongly objected

142 Chatham House interview with an NGO in Geneva, January 2012.

143 Human Rights Watch, *Keeping the Momentum*, p. 38.

144 The joint statement is available in English at <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/18thSession/OralStatements/3.China-5.pdf>. The state signatories were Algeria, Angola, Bangladesh, Bahrain, Belarus, Bolivia, China, Congo, Cuba, Democratic People’s Republic of Korea, Djibouti, Ecuador, Iran, Kuwait, Lao People’s Democratic Republic, Malaysia, Mauritania, Myanmar (Burma), Namibia, Nicaragua, Pakistan, Philippines, Qatar, Russia, Saudi Arabia, Sri Lanka, Sudan, Tajikistan, Uganda, Uzbekistan, Venezuela, Vietnam, Yemen and Zimbabwe.

145 18th session of the Human Rights Council, 13 September 2011, Part II of the panel discussion. <http://www.unmultimedia.org/tv/webcast/2011/09/part-ii-panel-peaceful-protests-18th-session-human-rights-council.html>.

146 Chatham House interview, January 2012.

147 Chatham House interview, January 2012. In fact, as discussed above, China initiated an unsuccessful proposal during the institution-building phase of the Council for more stringent requirements for country resolutions, but this comment demonstrates the significance attached by diplomats in Geneva to China’s decision to present this joint statement.

148 Chatham House interview, March 2012.

149 Chatham House interview, January 2012.

150 The joint statement is not available on the Human Rights Council extranet but an English version is provided on the website of China’s Permanent Mission in Geneva at <http://www.china-un.ch/eng/hom/t910174.htm>. The state signatories were Algeria, Bangladesh, Belarus, Burundi, Cambodia, China, Congo, Cuba, Democratic People’s Republic of Korea, Ethiopia, Iran, Lao People’s Democratic Republic, Malaysia, Mauritania, Myanmar (Burma), Namibia, Nicaragua, Pakistan, Palestine, Philippines, Russia, Saudi Arabia, Sri Lanka, Sudan, Turkmenistan, Venezuela, Vietnam, Yemen and Zimbabwe.

151 A/HRC/DEC/18/119.

to language about ‘multi-stakeholder’ participation in the panel, apparently because it wished to avoid Chinese bloggers appearing on screens during the panel discussion.¹⁵² When Sweden, which led the initiative, declined to remove this language, China lobbied co-sponsoring states, requesting that they withdraw their support.¹⁵³ After threatening to call a vote, China in the end declined to do so, presumably because it realized it would be isolated in the face of strong cross-regional support that had been built for the initiative. China dissociated itself from the consensus.

The joint statement delivered by China during the panel discussion warned about use of the internet to ‘propagate terrorism, extremism, racism, xenophobia, even ideas of toppling legitimate authorities’ and ‘distort facts, exaggerate situations and provoke violence, in an attempt to escalate tension wherever it appears and gain political benefits.’ Use of the internet ‘to incite outlaw activities and to target sensitive facilities [and] disseminate pornographic and violent information, which corrupts people’s minds, affronts their cultural values and induces them to be involved in criminal activities’ was also decried.

There is no doubt that China attached particular importance to these two joint statements. It prepared and presented to the UN its own English versions and placed these on the website of the Chinese Permanent Mission.¹⁵⁴ In terms of China’s discourse about human rights, there was nothing remarkable in the content of the statements; it has been making similar points about freedom of expression and the right to peaceful assembly at least since the Tiananmen Square incidents. Instead it was the mode of delivery that makes these statements significant. Until this point China had assiduously avoided any demonstration of leadership within the Council, maintaining a low profile during negotiations and preferring to raise its concerns privately and bilaterally. The decision to build coalitions and step forward publicly at the helm was almost certainly authorized by Beijing, which is known to ‘micro-manage’¹⁵⁵ operations at the mission.

“ There is a consensus in our mission that there is an uptick in China’s activity at the Human Rights Council. ”

Western diplomat in Geneva¹⁵⁶

Clearly the Arab Spring has heightened pre-existing concerns within the Chinese government about the potential for serious domestic unrest fuelled by social media. It is well known that the leadership feared contagion and moved quickly to clamp down on efforts to spark a ‘Jasmine revolution’. In this context, resumption of China’s strong messaging in Geneva about the duties of the state to maintain public order is not surprising. Experts in China confirmed there is a strong link between these initiatives and ‘domestic perspectives’.¹⁵⁷ And yet it would have been easy for China to find other states to ‘front’ these initiatives.¹⁵⁸ Instead China opted to ‘show some power’.¹⁵⁹

152 Chatham House interview with a Western diplomat, January 2012.

153 Chatham House interview with a Latin American diplomat, January 2012.

154 The joint statement on peaceful protests is available at <http://www.china-un.ch/eng/rqrd/thsm/t859047.htm> and the joint statement on freedom of expression and the internet is available at <http://www.china-un.ch/eng/hom/t910174.htm>.

155 Chatham House interview with a former Chinese diplomat, May 2012.

156 Chatham House interview, January 2012.

157 Chatham House interview with a Chinese international law academic, June 2012.

158 A Latin American diplomat indicated in a Chatham House interview in January 2012 that in the past Cuba has called for votes in the Human Rights Council, for example on DPRK resolutions, at China’s behest.

159 Chatham House interview with a Western diplomat, January 2012.

Security is the number one concern and there is a concern about the floodgates being opened during this volatile time [...] The government is in transition and is under a lot of international pressure which contributes to a sense of potential threat if human rights are extended too quickly.

Chinese international law academic¹⁶⁰

In the last (20th) regular session covered by this study, China continued its new approach by delivering a joint statement on behalf of 15 states during a dialogue with the Special Rapporteur on human rights while countering terrorism.¹⁶¹ The statement criticized counter-terrorism measures that violate human rights law and singled out ‘extrajudicial and targeted killings’ via drone attacks, which strongly suggests that this statement was directed at the United States. Unusually, China also used the general debate on item 4 to pre-emptively criticize the United States and the EU for various human rights violations, and called on them to ‘stop acting as preachers on human rights.’¹⁶² It was bullish in other areas too. For example, in a dialogue with the Special Rapporteur on freedom of expression, it took aim at ‘Western media which has been preaching the freedom of the press’ but ‘has found itself involved in increasing amounts of scandals in recent years’, including those relating to Wikileaks and phone-hacking.

China’s shift towards a more assertive mode of operating within the Human Rights Council was almost certainly motivated by an awareness that the Arab Spring had unlocked the Council’s potential by fracturing the voting blocs that had previously frustrated robust action against persistent human rights violators and, more generally, by rallying the human rights advocacy community. As described above, the Council responded to the momentous changes by pursuing targeted action against repressive states and strengthening its focus on country situations generally. As one NGO representative in Geneva emphasized, ‘If there was another crisis like Tibet in 2008, with fighting on the streets and tanks, this might change things, especially in light of the Human Rights Council’s recent effectiveness – there are precedents now.’¹⁶³ In addition, China will have become well aware of its increasing isolation when opposing country mandates that do not enjoy the consent of the state concerned. Against this backdrop, these joint statements are perhaps best interpreted as a calculated expression of China’s latent power and its ability to mobilize a hefty support base when it chooses to defend its interests. In other words, China chose this moment to send a message to the West that it still has plenty of friends prepared to stand behind it on a range of human rights matters.

Maybe they have remembered something we in the West have forgotten – that ideas matter. One way of reading their statement is as a strong effort to influence thinking on this issue by stressing the importance of social stability.

NGO representative commenting on China’s role in delivering the joint statement on peaceful protests¹⁶⁴

China’s increasing confidence within the international human rights system is another part of the answer. As discussed above, China has for many years maintained a low profile at the Council,

160 Chatham House interview, June 2012.

161 20th session of the Human Rights Council, 20 June 2012. The joint statement is available in English at <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/20thSession/OralStatements/15.%20China%20%28on%20behalf%20of%20a%20group%20of%20States%29%20NEW%20VERSION.pdf>. The state signatories were Bangladesh, Belarus, China, Cuba, Egypt, Indonesia, Iran, Malaysia, Myanmar (Burma), Pakistan, Russia, Sri Lanka, Sudan, Venezuela and Vietnam.

162 20th session of the Human Rights Council, 28 June 2012, general debate on item 4, <http://www.unmultimedia.org/tv/webcast/2012/06/china-gd-item4-21st-meeting-20th-session.html>.

163 Chatham House interview, January 2012.

164 Chatham House interview, January 2012.

keeping its eye on its top priorities and expending political capital only when necessary to achieve its specific objectives. All the while it has been closely studying the Council and quietly building up its human rights capacity. According to the Permanent Mission, China now has six staff in Geneva dealing with human rights matters.¹⁶⁵ This appears to be a sizeable increase compared with the days of the Commission¹⁶⁶ and makes the Chinese human rights delegation one of the largest in Geneva. As a former Chinese diplomat remarked, 'China really knows how to operate in Geneva now [...] the feeling is you shouldn't sit there quietly, you should take the initiative [...] Soft power means you must indicate your ideas.'¹⁶⁷

165 Chatham House interview, March 2012.

166 A former Chinese diplomat said in a Chatham House interview in May 2012 that at one point, at least, during the 1990s there were only one or two permanent staff focused on human rights at the mission, with additional staff coming to Geneva for the sessions.

167 Chatham House interview with a former Chinese diplomat, May 2012. It has also been suggested that these joint statements may have been 'playing to the gallery at home' but we found little evidence of this in Beijing. For example, there is very low awareness of the Human Rights Council and its proceedings among academics and think tanks focused on international relations. A number of Western diplomats interviewed in Beijing in May–June 2012 indicated their views that, beyond the Ministry of Foreign Affairs, very little attention is paid these days to the UN's human rights machinery.

4 China's Practice Elsewhere within the International Human Rights System

The human rights treaty system

China is a party to most of the core international human rights treaties (see Table 4). The major exception is the International Covenant on Civil and Political Rights (ICCPR), which it signed in 1998 but remains under intense international pressure to ratify. This is a recurring topic in the bilateral human rights dialogues and was raised by many states, both Western and non-Western, during China's first UPR in 2009.¹⁶⁸ There is also some domestic pressure in relation to this issue. For example, in 2008 several Chinese legal scholars formally petitioned the National People's Congress to ensure ratification of this treaty in advance of the Beijing Olympics.¹⁶⁹ According to its current national human rights action plan, China continues 'to carry out administrative and judicial reforms and prepare the ground for approval' of the ICCPR.¹⁷⁰ Particular sticking points are thought to include China's legislative provisions relating to freedom of association, capital punishment and the re-education through labour programme, and freedom of movement in the context of China's 'hukou' residential permit system. Chinese international law academics express confidence that China is serious about ratifying the ICCPR but emphasize that extensive domestic reforms must be delivered first.

Table 4: China and the core international human rights treaties

Treaty	China's status	Key reservations and declarations
International Convention on the Elimination of All Forms of Racial Discrimination 1965	Party Acceded 29 December 1981	China has through reservation precluded the competence of the International Court of Justice to settle disputes between it and other states parties concerning the interpretation or application of this treaty.
International Covenant on Civil and Political Rights 1966	Non-party* Signed on 5 October 1998 but not yet ratified *Note this treaty applies in the Special Administrative Regions (SARs) of Hong Kong and Macau. The SAR of Hong Kong (but not the SAR of Macau) has continued submitting reports to the Human Rights Committee (the treaty body established by the ICCPR).	

168 During China's first UPR in 2009, the following states raised issues about its ratification of the ICCPR: Algeria, Argentina, Australia, Austria, Brazil, Canada, France, Hungary, Japan, Jordan, Mexico, the Netherlands, New Zealand, Portugal, Sweden, Switzerland, Thailand, and the United Kingdom. See A/HRC/11/25.

169 Wendy Zeldin, 'China: Legal Scholars Call for Ratification of ICCPR', 2 February 2008, http://www.loc.gov/lawweb/servlet/lloc_news?disp3_l20540238_text. Under Article 67 (14) of China's Constitution (as amended 14 March 2004), responsibility for ratifying treaties rests with the Standing Committee of the National People's Congress.

170 National Human Rights Action Plan of China (2012–2015), Part V, 'Fulfillment [sic] of Obligations to International Human Rights Conventions, and Exchanges and Cooperation in the Field of International Human Rights'.

Treaty	China's status	Key reservations and declarations
International Covenant on Economic, Social and Cultural Rights 1966	Party Signed on 27 October 1997 and ratified on 27 March 2001	China has declared that the right to form a trade union or join a trade union of one's choosing must be applied consistently with the Chinese constitution and Chinese trade union and labour law. (Note that a number of European states have lodged formal objections that this is effectively a reservation that is incompatible with the objects and purposes of the treaty.) It has also sought to restrict the right of trade unions in the SAR of Hong Kong to participate in trade union federations outside Hong Kong. China has also declared that the right to work does not preclude the employment restrictions it applies to non-local workers in the SAR of Hong Kong.
Convention on the Elimination of all forms of Discrimination Against Women 1979	Party Signed on 17 July 1980 and ratified on 4 November 1980	China has through reservation precluded application to it of the inter-state dispute resolution provisions involving arbitration and referrals to the International Court of Justice. It has also entered a range of declarations relating to the treaty's application in the SAR of Hong Kong, e.g. precluding application to religious denominations or orders, preserving property rights applying to indigenous males in the New Territories, and preserving local immigration and pension schemes.
UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984	Party Signed on 12 December 1986 and ratified on 4 October 1988	China has through reservations removed the competence of the Committee against Torture to investigate 'well founded indications' of systematic torture in China and opted out of a dispute resolution procedure for disagreements between states about the interpretation or application of this treaty.
UN Convention on the Rights of the Child 1989	Party Signed on 29 August 1990 and ratified on 2 March 1992	China has entered a reservation to the effect that a child's right to life is subject to certain constitutional and legislative provisions relating to family planning. It has also entered a range of declarations relating to the treaty's application in the SAR of Hong Kong e.g. specifying that the right to life commences after live birth, reserving the right to apply restrictions on the right to enter and remain in the SAR, and reserving the right to detain adults and children in the same facilities in some circumstances.
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families 1990	Non-party	
Convention on the Rights of Persons with Disabilities 2006	Party Signed on 30 March 2007 and ratified on 1 August 2008	China entered a declaration that the validity of immigration and nationality laws in the SAR of Hong Kong will not be affected by provisions in the treaty regarding liberty of movement and nationality.
International Convention for the Protection of All Persons from Enforced Disappearance 2006	Non-party	

China's compliance record with the treaties to which it is party is generally satisfactory in *procedural* terms. It submits its periodic reports, though – as is the case for many other states – they are sometimes very late, and fields large, well-prepared delegations to participate in examinations. Although it is not alone in this regard, however, there are serious problems with China's *substantive* compliance with its legal obligations and this has often led to difficult encounters with the expert monitoring bodies established under the treaties.

China's appearances before the UN Committee against Torture have been particularly fraught. In the lead-up to its most recent examination in 2008, Chinese ambassadors reportedly directly lobbied individual members of the committee to avoid criticizing China in relation to Tibet and Xinjiang.¹⁷¹ In its written replies, China objected to the committee's suggestion that torture was pervasive in its criminal justice system, stating that such a comment 'runs counter to the principle of impartiality and objectivity, therefore is not acceptable to the Chinese side'. Although it provided answers 'in the spirit of cooperation', it challenged the legitimacy of questions about a range of issues including domestic violence and forced disappearances on the basis that they fell outside the scope of the convention.¹⁷² Apparently at China's behest, the examination itself was moved from Palais Wilson, where the treaty body sessions are usually conducted, to Palais des Nations, the headquarters of the UN in Geneva, additional security was imposed and there were reports of efforts by Chinese delegates to intimidate NGO representatives.¹⁷³

Following the examination, China accused some members of the committee of launching a 'vicious attack' on China and putting 'many vilifying and baseless comments in the [Committee's] concluding observations'. China was particularly displeased with references to 'suppression' of the '1989 Democracy Movement' and criticism of more recent crackdowns in Tibet and Xinjiang and the treatment of Falun Gong members.¹⁷⁴

Examinations by other treaty bodies tend to proceed more smoothly, although China resists pressure in relation to any sensitive issues. For example, China was polite but resolute in its written replies to the Committee on Economic, Social and Cultural Rights for its initial examination in 2005, insisting that North Korean escapees were not refugees, that the ban on unions other than those affiliated to the All-China Federation of Trade Unions reflected 'the wishes and demands of China workers' and that ethnic groups working to '[split] the state or undermine the unity of the country' would be punished.¹⁷⁵

China has sought to position itself as an active promoter of the Convention on the Rights of Persons with Disabilities adopted in 2006.¹⁷⁶ It hosted an international summit on disability in 2000 that led to the Beijing Declaration on the Rights of People with Disabilities in the New Century, calling for a new international convention to be adopted for people with disabilities. After the General Assembly convened an ad hoc committee to consider proposals for such a convention in 2001, China was among a number of states that tabled a proposed draft text. China signed the treaty on the day it was opened for signature and ratified it a little over a year later. Uniquely, it has not entered any reservations to this treaty for mainland China. During the negotiations, China resisted the creation of a committee with monitoring powers but after

171 Chatham House separate interviews with two NGOs, February 2011.

172 CAT/C/CHN/Q/4/Add.1.

173 Chatham House interview with an NGO, February 2011.

174 CAT/C/CHN/CO/4/Add.1.

175 HR/CESCR/NONE/2004/10.

176 A Chinese human rights lawyer working in the disability rights field suggested that China's support for the Convention on the Rights of Persons with Disabilities may be partly due to effective domestic advocacy by Deng Pufang, the son of Deng Xiaoping, who is disabled and highly influential in this area. Chatham House interview, June 2012.

a decision was taken to create such a body, it nominated a Chinese expert to serve on this body and she was successfully elected.¹⁷⁷ China's first examination by this Committee on the Rights of Persons with Disabilities took place in September 2012 and involved confrontation over critical submissions by a number of Chinese disability rights NGOs, among other things.

In the absence of an international human rights court, the monitoring processes of the treaty bodies are the principal means through which states are held accountable at the international level for compliance with their international human rights treaty obligations. To date, China has refused to allow application to China of any of the treaty bodies' stronger enforcement tools. Most importantly, it has not accepted any of the individual complaints or dispute resolution mechanisms provided for in the treaties.¹⁷⁸ A human rights expert at the Chinese Academy of Social Sciences has described this as 'a demonstration of China's stand of independence and its advocacy of settling human rights disputes within the scope of State sovereignty'.¹⁷⁹ Most Chinese international lawyers interviewed considered there was no prospect of China recognizing the competence of any of the treaty bodies to hear individual complaints, at least in the short term.

Consistent with its activities elsewhere within the international human rights system, China has sought to strengthen state control over the treaty system in the context of an intergovernmental process launched by the High Commissioner to strengthen the treaty bodies. Among other things, China has argued for a code of conduct for committee members (Cuba and Iran joined this call), confidentiality for NGO submissions unless the state concerned consents to their publication (also proposed by Iran), and 'unverified, unofficial information' to be omitted from the concluding observations (Iran made a similar call). It has also argued against reviews taking place in the absence of the state party (a view shared by Algeria).¹⁸⁰ This last call may have been prompted by a decision of the Committee against Torture in 2009 to review Yemen *in absentia* after the delegation failed to attend. An NGO observer said that a Chinese member of the committee dissociated himself from the consensus decision to proceed with the examination.¹⁸¹

China hopes the reform process will allow member states to more effectively implement treaties according to their own situations and reduce or save the resources of the Office of the High Commissioner for Human Rights [...] Governmental participation needs to be enhanced since the major obligations lie on the shoulder of governments, including submission of implementation reports.

Chinese diplomat¹⁸²

177 Chinese nationals currently serve on a number of other human rights treaty bodies including the Committee on Economic, Social and Cultural Rights, the Committee against Torture, and the Committee on the Elimination of Discrimination Against Women. Members serve in their capacity as independent experts, but concerns are often expressed by other states, NGOs and UN officials about the independence from government of some of the Chinese members. For example, the Chinese member of the Committee on the Rights of Persons with Disabilities is reported to have reacted angrily when Chinese civil society groups submitted a number of highly critical alternative reports for China's initial examination by the Committee. Chatham House interview with a Chinese human rights lawyer, June 2012.

178 This avoidance of international dispute resolution processes is consistent with China's practice in other areas of international law. The World Trade Organization (WTO) dispute resolution process is a notable exception; China had no choice but to consent to this process if it wanted to join the WTO since it applies to all members and there is no right to opt out. Although its membership of the WTO remains controversial within China, officials in the Department of Trade and Legal Affairs of the Ministry of Commerce are said to have confidence in the dispute resolution procedure based on China's experience of it to date. There is a view among Chinese legal scholars that, because of these experiences, the Ministry of Commerce now holds more progressive views on international law than the Ministry of Foreign Affairs. Chatham House interview, June 2012.

179 China Human Rights Net, interview with Mo Jihong, Research Fellow at the Chinese Academy of Social Sciences, 'International human rights conventions in China' (undated), http://www.chinahumanrights.org/CSHRS/Magazine/Text/t20080604_349282.htm.

180 OHCHR, 'Compilation of excerpts from the written submissions of states parties to the call of the UN High Commissioner to strengthen the treaty bodies', April 2012, <http://www2.ohchr.org/english/bodies/HRTD/docs/CompilationSPsubmissions.pdf>.

181 Chatham House interview with an NGO, February 2011.

182 Chatham House interview, March 2012.

The General Assembly

China's practice with respect to human rights issues within the UN General Assembly in New York is broadly similar to its approach at the Human Rights Council.

Most of the General Assembly's human rights business is conducted in the Third Committee on Social, Humanitarian and Cultural Affairs (known as the 'Third Committee'). China is attentive to proceedings in this committee but, as in the Human Rights Council, highly selective in its engagement. It is particularly active on institutional matters connected with the Human Rights Council, including questions about the remits of the special procedures and the treaty bodies, as well as on thematic issues linked to public order (for example, human rights defenders and freedom of expression) and country resolutions. China's style of diplomacy in the Third Committee is again similar to its approach within the Human Rights Council – according to a Western diplomat, the Chinese diplomats tend to 'sit silently during negotiations and come in late with a tough line. They then negotiate bilaterally about the language they don't like.'¹⁸³

According to at least one diplomat interviewed, China is even more sensitive to human rights criticism from other states in the General Assembly,¹⁸⁴ which probably reflects that body's higher institutional standing and broader membership compared with the Human Rights Council, as well as an assessment by China that if it is to be scrutinized on human rights grounds, this would be better contained in Geneva.

China has used other committees of the General Assembly to pursue its agenda in relation to human rights matters. For example, it has joined Russia, Tajikistan and Uzbekistan in the First Committee on Disarmament and International Security to promote a new code of conduct to prevent use of the internet for 'terrorism, secessionism and extremism'.¹⁸⁵ In the Sixth Committee on legal issues it has urged states not to exercise universal jurisdiction over other states, including in relation to human rights matters, 'until a common understanding' of the concept of universal jurisdiction is reached.¹⁸⁶ It has also actively participated in debates in the General Assembly about the responsibility to protect, emphasizing that this is a new concept, that an international consensus does not yet exist and therefore further deliberations are needed, and warning that the concept must not be abused or used as basis for 'a kind of humanitarian intervention'.¹⁸⁷

183 Chatham House interview, August 2012.

184 Chatham House interview, May 2012. Private complaints made by Chinese representatives in response to criticisms of China in the General Assembly were also mentioned in interviews with other diplomats.

185 Letter dated 12 September 2011 from the Permanent Representatives of China, the Russian Federation, Tajikistan and Uzbekistan to the United Nations addressed to the Secretary-General, A/66/359 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/496/56/PDF/N1149656.pdf?OpenElement>. This initiative reflects the very broad counter-terrorism agenda being pursued within the Shanghai Cooperation Organization, an intergovernmental security organization comprising China, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. In March 2011, Human Rights in China published a report which raised a number of concerns about the implications of this agenda for human rights. Human Rights in China, 'Counter-Terrorism and Human Rights: The Impact of the Shanghai Cooperation Organization', <http://www.hrichina.org/research-and-publications/reports/sco>.

186 A/C.6/66/SR.13, at p. 2.

187 A/63/PV.98, 24 July 2009, at pp. 23–4.

Box 1: China's position on the responsibility to protect

Extract from 'Position Paper of the People's Republic of China on the United Nations Reforms', 7 June 2005¹⁸⁸

'Each state shoulders the primary responsibility to protect its own population. However, internal unrest in a country is often caused by complex factors. Prudence is called for in judging a government's ability and will to protect its citizens. No reckless intervention should be allowed.

When a massive humanitarian crisis occurs, it is the legitimate concern of the international community to ease and defuse the crisis. Any response to such a crisis should strictly conform to the UN Charter and the opinions of the country and the regional organization concerned should be respected. It falls on the Security Council to make the decision in the frame of UN [sic] in light of specific circumstances which should lead to a peaceful solution as far as possible. Wherever it involves enforcement actions, there should be more prudence in the consideration of each case.'

During a debate in the General Assembly in 2009, China stressed that the responsibility to protect applies only to the four international crimes of genocide, war crimes, ethnic cleansing and crimes against humanity, and that it 'remains a concept and does not constitute a norm of international law'.¹⁸⁹

Office of the High Commissioner for Human Rights

China has always sought to limit the OHCHR's role in monitoring human rights situations and has pushed for a greater share of its resources to be allocated to the promotion of economic, social and cultural rights and the right to development. As noted above, it has consistently called for greater transparency in relation to the office's budget and has applied pressure over many years in relation to the diversity of its staff in geographical terms. In 2012, China stated its hope that 'the OHCHR will be more impartial and objective in its work, promote with balance the two types of rights, respect each country's historical and cultural traditions and the human rights development path independently embarked upon, and promote dialogue and co-operation in the international human rights field'.¹⁹⁰

Criticisms of China by successive High Commissioners have contributed to the tense relationship between China and the OHCHR. The current High Commissioner, Navi Pillay, has been outspoken about individual cases of concern in China, issuing press releases about particular human rights defenders and holding a press conference calling for the release of Liu Xiaobo the day before he was awarded the Nobel Peace Prize in 2010.¹⁹¹ China has responded by stalling on

188 Available on the website of the Chinese Ministry of Foreign Affairs, <http://www.fmprc.gov.cn/eng/zxxx/t199318.htm>.

189 A/63/PV.98, 24 July 2009, at pp. 23–4.

190 20th session of the Human Rights Council, 18 June 2012. The statement is available in English at <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/20thSession/OralStatements/18.%20China,%20Mr.%20Xia%20Jingge.pdf>.

191 The High Commissioner had been criticized for not attending the ceremony. She responded by explaining that she had not been invited and in any case had a prior commitment in Geneva. See 'Highlights of press conference by United Nations High Commissioner for Human Rights Navi Pillay on occasion of Human Rights Day', 9 December 2010, http://www.unog.ch/80256EDD006B9C2E/%28httpNewsByYear_en%29/039FE778A515A8BFC12577F4005D3C9A?OpenDocument.

its commitment during its UPR in 2009 to ‘facilitate an early visit by the High Commissioner to China.’¹⁹² A formal technical cooperation programme with China established by one of Pillay’s predecessors, Mary Robinson, ended in 2008; however, ad hoc initiatives are still pursued. In December 2011, the OHCHR and the Chinese Ministry of Foreign Affairs jointly held an experts seminar on reform of the death penalty, an area where there have been some important legal reforms in China in recent years.¹⁹³

Dialogues

Strictly speaking, the bilateral human rights dialogues launched in the mid-1990s as part of efforts to end the impasse in the Commission are not part of the international human rights system. However, they are historically rooted in this context and remain an important venue for discussing with China its participation in this system, including its ratification of and compliance with international human rights treaties and its cooperation with the Human Rights Council’s special procedures. For example, cooperation within the UN is a standing item during the EU–China dialogue.

These dialogues are notoriously problematic. Western governments and the EU find the process of agreeing both the agenda and logistics with China’s Ministry of Foreign Affairs challenging and the atmosphere during the diplomatic sessions tends to be tense, especially when sensitive issues such as Tibet are raised. The EU dialogue has been described as ‘based on the (false) premise that a negotiation and exchange between equal partners is taking place, while in reality part A aims at changing part B and part B knows it and does not accept it.’¹⁹⁴

Because the dialogues are for the most part a diplomatic process (there are often other parts of the programme involving academic and other expert participants), they are non-transparent by nature. This has long been a source of criticism by human rights NGOs. On a more fundamental level, serious questions have been raised both within and outside Western governments about whether the dialogues have delivered any tangible outcomes.¹⁹⁵ For example, Human Rights Watch has heavily criticized the EU–China dialogue for its failure to produce benchmarks against which progress can be measured.¹⁹⁶

“Everyone gets sucked into the minutiae of the dialogues, trying to interpret small signals and dynamics, but nothing changes as a consequence.”

NGO representative¹⁹⁷

192 A/HRC/11/25 at para 114, point 11.

193 For example, in 2007 the Supreme People’s Court, China’s highest court, assumed responsibility for reviewing and approving death sentences, and in 2011 China removed the death penalty for 13 types of economic and non-violent crimes. According to Amnesty International, China executed more than 1,000 people in 2011, more than the rest of the world combined. See Amnesty International, ‘Top 5 executioners in 2011’, <http://www.amnesty.org/en/death-penalty/top-5-executioners-in-2011>.

194 Katrin Kinzelbach and Hatla Thelle, ‘Taking Human Rights to China: An Assessment of the EU’s Approach’, *The China Quarterly*, Vol. 205, March 2011, pp. 60–79.

195 See, for example, European Parliament resolution of 16 December 2010 on the Annual Report on Human Rights in the World 2009 and the European Union’s policy on the matter (2010/2202(INI)) in which the European Parliament expresses regret ‘that the EU-China human rights dialogues have consistently failed to deliver any improvements as regards specific human rights abuses in China’.

196 Human Rights Watch, ‘China: EU Rights Talks Sliding Toward Irrelevance’, 25 May 2012, <http://www.hrw.org/news/2012/05/25/china-eu-rights-talks-sliding-toward-irrelevance>.

197 Chatham House interview, March 2011.

In line with its practice within the Human Rights Council, China is becoming more comfortable about invoking human rights standards and ‘using human rights language’ within the dialogues to hold Western states to account for their own human rights records.¹⁹⁸ Following the most recent dialogue with the United States, the Chinese Foreign Ministry spokesperson indicated that China raised US human rights problems in the areas of ‘justice, rights of Native Americans and racial discrimination’.¹⁹⁹ At least some Western governments welcome this in principle, not only because it compromises China’s opposition to criticism of its own human rights record on ‘non-interference’ grounds but also because it makes the dialogues ‘more two-way’.²⁰⁰

198 Chatham House interviews with Western diplomats, March 2011, June 2012.

199 ‘Foreign Ministry Spokesperson Hong Lei’s Remarks on China-US Human Rights Dialogue’, 27 July 2012, available on the website of the Chinese Permanent Mission in Geneva at <http://www.china-un.ch/eng/fyrth/t956961.htm>.

200 Chatham House interview with a Western diplomat in Beijing, May 2012.

5 China's Indirect Impact on the International Human Rights System

China's sustained efforts to remain under the radar are one of the most notable features of its engagement with the UN human rights machinery. Aside from its efforts to defeat direct criticism and the modest yet significant initiatives it has recently orchestrated on issues connected in one way or another with the Arab Spring, China has refrained from marshalling the support it could be assumed to find if it were to commence serious lobbying on human rights issues within the UN. China's global power is such, however, that the true extent of its impact on the international human rights system can only be assessed by looking beyond its *modus operandi* inside this system.

The power of the 'China model'

There are fears within the international human rights advocacy community that China's greatest impact on the international human rights system will be the implicit, meta-level challenge its rise poses to the argument that increased observance of human rights is a *sine qua non* for development and enhanced global influence. In other words, there are concerns that the system will be corroded in the long run if other developing states choose to follow China's path of putting civil and political rights to one side while trying to manage the economy and maintain political stability to generate rapid economic growth.²⁰¹

Certainly the Chinese government goes to great lengths to deny that it is promoting Chinese norms abroad, and in this particular area, for instance, no real evidence was found of China seeking to export its conception of human rights to other states. While many other developing states echo China's insistence on strong conceptions of sovereignty and non-interference when resisting scrutiny of their human rights records, to date there seems to have been limited take-up of other more specific features of its human rights discourse.²⁰² Nevertheless, there are debates among analysts in China about whether there is a Chinese experience of humane and benevolent but relatively authoritarian governance that might be transferable to other states – even if there is no consensus about what this would entail.²⁰³

201 The question of whether there is a 'China model' has proved highly divisive and, interestingly, it is sometimes those concerned about the idea who have been most forceful in identifying and articulating it.

202 For example, very few states, including allies of China, have used their national UPR reports to promote a conception of human rights reflecting that espoused by China. A notable exception is the DPRK, which presented a set of 'basic ideas' about human rights including the notion that while they are universal, 'due account' must be taken of the different political and economic systems, levels of development, history and cultural traditions of different states. The DPRK also emphasized the role of the state in guaranteeing human rights and stated that 'any attempt to interfere in others' internal affairs, overthrow the governments and change the systems on the pretext of human rights issues constitutes violations of human rights'. See A/HRC/WG.6/6/PRK/1 at section 2.

203 Lindsay Cunningham-Cross and William A. Callahan, 'Ancient Chinese Power, Modern Chinese Thought', *Chinese Journal of International Politics*, Vol. 4, No. 4 (2011): 349–74.

China does not see its role in promoting values and certainly the Ministry of Foreign Affairs does not see its role to promote human rights awareness internally or externally.

Western diplomat²⁰⁴

In many ways, the main significance of China's growing global role lies not in the specifics of what it promotes overseas but instead in the alternatives it demonstrates to what is depicted as the imposition of Western norms disguised as universalism. On a discursive level, China's insistence that each state must define its own human rights priorities does not apply only to itself. The key here is not what China does, but instead the idea that countries should 'nationalize' supposedly universal values to fit their own experiences. As Pan Wei, one of the leading scholars of the 'China Model', argues, it is not that China is saying that its way is the best way for others, but rather that its success 'weakens the argument for the exclusive legitimacy of the Western System.'²⁰⁵

China's position on cultural relativism is not intended to challenge Western values and its liberal rights models, but to argue that these values and models are not the *only* way to promote and protect human rights.

Xue Hanqin, Chinese judge serving on the International Court of Justice²⁰⁶

Foiling the West's conditional aid and human rights-related sanctions

China provides an alternative to the West in more tangible ways through its international economic relations. It is now a major lender to both developing and developed states.²⁰⁷ There are concerns that within the developing world Chinese assistance is undermining the ability of the West to use aid packages as a means of encouraging states to improve compliance with their international human rights obligations. For example, a leaked diplomatic cable from the US embassy in Colombo in 2007 exposed a concern that Western donors were being displaced by China and other developing-world donors offering 'aid without conditions': 'As Sri Lanka taps into new sources of assistance, the Tokyo and other Western donors are at risk of losing leverage with the Rajapaksa government, making it harder for us and others to prod the government toward a peaceful solution to Sri Lanka's ethnic conflict, and address such concerns on human rights and corruption.'²⁰⁸

When Western governments try to use economic pressure to secure human rights improvements, China's no-strings rule gives dictators the means to resist.

Ken Roth, Executive Director of Human Rights Watch²⁰⁹

In its 2011 white paper on foreign aid, China identifies non-imposition of political conditions as one of the five guiding principles for its foreign aid programme.²¹⁰ However, discouraging

204 Chatham House interview, April 2011.

205 Pan Wei, 'Western System versus Chinese System', University of Nottingham, China Policy Institute, Briefing Series, Issue 61, July 2010, at 4.1.

206 Xue, *Chinese Contemporary Perspectives on International Law*, p. 155. Emphasis in original.

207 Identifying the actual amount of Chinese overseas lending is difficult, but by tracking announcements of loans made in the media in China and overseas, a *Financial Times* report calculated that China Development Bank and China Export-Import Bank had lent a total of \$110 billion in 2009 and 2010 – much of this in low-interest-rate loans for energy deals. This was nearly \$10 billion more than the World Bank had lent over a similar period. 'China's lending hits new heights', *Financial Times*, 17 January 2011, <http://www.ft.com/cms/s/0/488c60f4-2281-11e0-b6a2-00144feab49a.html#axzz28cmktBV6>.

208 'Sri Lanka: Growing cout [sic] and appeal of non-Western donors', 9 February 2007, <http://wikileaks.org/cable/2007/02/07COLOMBO250.html#>.

209 Human Rights Watch, 'China's silence boosts tyrants', 20 April 2006, <http://www.hrw.org/news/2006/04/18/chinas-silence-boosts-tyrants>.

210 Information Office of the State Council, 'China's Foreign Aid', April 2011, section 1, 'Foreign Aid Policy' http://news.xinhuanet.com/english2010/china/2011-04/21/c_13839683.htm.

recognition of Taiwan by other states is still a core goal in its international relations, and the immediate extension of economic privileges to states that switch recognition to China is evidence of considerable 'behind the scenes' activity. There is also evidence of pressure on recipient states in relation to Tibetan and Uighur exiles (see below). Nevertheless, China does not demand human rights or other liberalizing reforms in return for financial partnerships. Indeed its leaders take every opportunity to communicate that China does not act like previous great powers that used economic levers to push for political reforms in countries they once colonized.

China has also undermined Western sanctions and arms-control measures related to human rights abuses by continuing to sell arms and otherwise channelling support to so-called 'rogue states' such as Zimbabwe and Burma (the latter prior to its recent reforms).²¹¹

Undermining of the business and human rights agenda

There are concerns also that China's overseas investment activities are undermining the business and human rights agenda forged in response to the negative impact on human rights, particularly in parts of the developing world, of powerful (mainly Western) transnational corporations. Chinese companies investing abroad pursuant to the 'Go Out' policy have largely operated outside this agenda, including the various innovative standards frameworks it has spawned, and some of their business practices have drawn heavy criticism. Forced evictions associated with Chinese 'land grabs' in Cambodia, and violations of trade union and other labour rights in Chinese-owned mines in Zambia are just two high-profile examples of conduct that has arguably placed host states in violation of their international human rights obligations.

Foreign policy experts interviewed in Beijing recognized that actions of Chinese economic actors overseas are damaging China's international reputation. However, the Ministry of Foreign Affairs has generally been powerless to intervene because the Ministry of Commerce, which outranks it within the Chinese political system, and the State-owned Assets Supervision and Administration Commission have vertical bureaucratic authority over the large state-owned enterprises (SOEs) operating overseas – and the largest of the SOEs (particularly those in the energy sector) were reported to be too strong to be controlled even by the Ministry of Commerce. Moreover, many of the problems are caused by thousands of small-scale independent traders and companies that are more or less acting on their own.

‘ A lot of companies operating on the ground are creating problems for China's national image. They don't obey local laws and these management problems are costing China in terms of relations. These tend to be companies at the provincial level. Chinese embassies have no way to control these companies; it is easier with the big companies because the latter have relationships with the embassies. ’

Chinese international relations analyst²¹²

211 China has also been accused of violating UN arms embargoes. For example, in February 2012 Amnesty International accused China, Russia and Belarus of supplying arms to Sudan that were ultimately used in Darfur. See Amnesty International, 'Sudan: No end to violence in Darfur – Arms supplies continue despite ongoing human rights violations' <http://www.amnesty.org/en/library/asset/AFR54/007/2012/en/c1037da2-0f54-4343-8325-461d80e751c2/afr540072012en.pdf>. In 2010, a UN Panel of Experts tasked by the Security Council with monitoring implementation of UN sanctions relating to Darfur reported that it found ammunition in Darfur with markings consistent with those applied by Chinese manufacturers, S/2011/111, 8 March 2011, at pp. 20, 22–3, 25. China is understood to have reacted angrily to the draft report and applied pressure for the findings to be rewritten. 'China fights UN report on Darfur', *Washington Post*, 16 October 2010, <http://www.washingtonpost.com/wp-dyn/content/article/2010/10/15/AR2010101506100.html>.

212 Chatham House interview, May 2012.

While there have been dysfunctional consequences of China's global engagement that the Chinese government itself appears to regret, the true test will be whether the government is prepared to reform its regulatory system, and otherwise promote the business and human rights agenda in a bid to tackle these problems.

Even where China has signed up to international standards frameworks in this area, there is evidence that these have been weakened as a result. For example, Chinese pressure is understood to have contributed to a controversial decision by the Kimberley Process, the certification scheme designed to prevent the trade of 'conflict diamonds', to approve exports from the Marange diamond fields in Zimbabwe. After seizing control of the fields in 2008, the Zimbabwean government granted a major mining concession to a Chinese–Zimbabwean joint venture with links to the Zimbabwean military, and there are suspicions that profits are generating 'off budget' revenues for Zimbabwe's security forces.²¹³ Critics argue that by endorsing exports of these diamonds, the Kimberley Process has reduced incentives for Zimbabwe to address the human rights abuses that hitherto impeded trade of Marange diamonds. The decision was preceded by fierce disagreements between state participants²¹⁴ and it was a key factor prompting Global Witness, a leading civil society stakeholder, to withdraw from the initiative.²¹⁵

A number of Western diplomats suggested that human rights abuses associated with Chinese business 'cut across China's non-interference principles'²¹⁶ and that common challenges made business and human rights an area where Western states and China could usefully collaborate.

Pressure on states to undermine their own international human rights obligations

There is evidence of China applying pressure on states to crack down on or forcibly repatriate Chinese nationals in breach of these states' international human rights and refugee law obligations. For example, China is accused of pressuring Nepal, which is a party to both the ICCPR and the Convention against Torture, to curb 'anti-China' protests by Tibetan refugees, leading to their arbitrary detention and ill-treatment, threats of deportation to China, and restrictions on free movement, expression and assembly.²¹⁷ According to Saferworld, Chinese aid to Nepal is now effectively conditional on suppression of Tibetan activism.²¹⁸ China is also known to have leaned on various states to forcibly return Uighur activists, whom it generally regards as terrorist suspects, to China in circumstances where there is a real risk of ill-treatment. Some states including Kazakhstan have complied, seemingly in contravention of their treaty obligations.²¹⁹

213 Global Witness, 'Diamonds: A Good Deal for Zimbabwe?', February 2012, pp. 6–7, http://www.globalwitness.org/sites/default/files/library/A%20GOOD%20DEAL%20FOR%20ZIMBABWE_0.pdf.

214 EU, 'Statement by the spokesperson of HR Catherine Ashton following the Intersessional Meeting of the Kimberley Process, 20 to 24 June 2011, Kinshasa', 24 June 2011, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/123113.pdf. US Department of State, 'No consensus at Kimberley intersessional', 24 June 2011, <http://www.state.gov/r/pa/prs/ps/2011/06/166970.htm>.

215 Global Witness, 'Global Witness Leaves Kimberley Process, Calls for Diamond Trade to be Held Accountable', 5 December 2011, <http://www.globalwitness.org/library/global-witness-leaves-kimberley-process-calls-diamond-trade-be-held-accountable>.

216 Chatham House interview, May 2012.

217 Human Rights Watch, *Appeasing China – Restricting the Rights of Tibetans in Nepal*, July 2008.

218 Saferworld, *China and Conflict-affected States – Between Principle and Pragmatism*, January 2012, pp. 73–4.

219 For example, Ershidin Israil was deported by Kazakhstan to China in 2011 despite fears for his safety in China. See 'Kazakhstan made conflicting accusations', UNHCR, 8 June 2011, <http://www.unhcr.org/refworld/topic,4565c22526,4565c25f2f3,4e0c3b2813,0,,,html>. Kazakhstan is a party to the Refugee Convention, the Convention against Torture and the ICCPR.

6 Is the Non-intervention Principle Becoming a Millstone for China?

As shown above, China frequently invokes the principle of non-interference or non-intervention²²⁰ to challenge the legitimacy of criticisms of its human rights record or to register its objection to similar criticisms directed at its allies, but its practice is not always consistent in this regard. For example, it does not always vote against country resolutions in the Human Rights Council, even where the targeted state objects to the initiative, and it is increasingly comfortable criticizing the human rights records of Western states as part of a self-defence strategy, whether in the Council or in bilateral human rights dialogues.²²¹ China seems untroubled by these inconsistencies; this suggests that, in these contexts, instead of invoking non-interference as a *legal* principle, it is deploying it as a *general* principle of foreign policy or for rhetorical effect. This makes sense legally, since criticism of a state's domestic human rights performance is not recognized as a violation of the international law principle, which applies only to interference that is coercive.²²²

In order to gain some insight into China's approach to international intervention in the context of human rights crises, we must look outside the UN's specific human rights machinery and consider decisions by the Security Council to authorize the use of force and its referrals to international criminal tribunals. This is a complex area and only some brief observations are possible here.

The Security Council has primary responsibility under the UN Charter for the maintenance of international peace and security. Traditionally this excluded consideration of internal conflicts and human rights atrocities within a single country. The Council's practice has expanded but, formally speaking, gross human rights abuses fall within the remit of the Council only where they are of sufficient scale and gravity to constitute a 'threat to international peace and security'. As a permanent member of the Security Council, China has usually championed a strict interpretation and application of this precondition, arguing that human rights problems are internal affairs (and thus placed beyond the competence of the UN by virtue of Article 2(7) of the Charter) and that to discuss them in the Security Council would 'undermine the Council's authority and legality'.²²³ Thus China has fought to keep gross human rights violations in states such as Burma and Zimbabwe off the Council's agenda, and where it has failed to prevent discussion of such matters (there is no veto power for the procedural decision to inscribe an item on the agenda), it has used its veto to defeat proposed resolutions condemning abuses or seeking to impose sanctions. China has also often sought to prevent consideration by the Security Council of mass human rights violations in the context of internal armed conflicts. For

220 The terms 'interference' and 'intervention' are often used interchangeably in English-language literature and jurisprudence, although 'intervention' is more often used when describing the use of force. Chinese commentators also tend to use the Chinese term for intervention when describing the use of force, especially that authorized by the UN Security Council.

221 It is sometimes suggested that China justifies retaliatory criticism of Western states' human rights records on the basis that the Five Principles of Peaceful Coexistence refer to 'mutual' non-interference in internal affairs. In other words, where another state contravenes this principle by criticizing China's domestic affairs, it is open to China to respond in kind.

222 *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. US)*, Merits, Judgment of 27 June 1986, [1986] ICJ Rep. 14. See Maziar Jamnejad and Michael Wood, 'Current Legal Developments – The Principle of Non-intervention', *Leiden Journal of International Law*, Vol. 22 (2009): 345–81, at 376, where the authors note in relation to the scope of the legal principle of non-intervention that 'what should be (and largely is) uncontested is that states and international organizations are entitled to criticize the human rights situation in other countries'.

223 S/PV.5526, 15 September 2006, at p. 2.

example, in 2009 it worked successfully to keep Sri Lanka off the Council's agenda despite concerns that a humanitarian catastrophe had ensued in the closing stage of the civil war.

Box 2: China's support for enforcement action against Libya

According to its UN representative, China supported Security Council resolution 1970 (2011) referring the Libyan situation to the ICC after taking into account 'the special situation' in Libya at that time.²²⁴ At an event at Chatham House a few weeks later, on 17 March 2011, the Chinese Ambassador to the United Kingdom was asked what this meant. He answered that China was concerned about the humanitarian crisis and the loss of life and had taken into account the views of the Arab League and the position of African states. Referring to China's 'long-standing' commitment to non-interference, he stated that 'we still hold this position but what is happening in Libya created a humanitarian crisis and the international community was required to take action'.

Explaining China's acquiescence in resolution 1973, authorizing the use of force to create a no-fly zone and protect civilians, the Chinese representative to the UN in New York indicated that China had attached 'great importance' to the positions of the Arab League and the African Union.²²⁵

According to one NGO representative, explaining the mood at the UN in New York when these two resolutions were adopted: 'It was probably one of those magic moments that is difficult to recreate. It was a fast-moving situation on the ground with serious concerns about the potential massacre of civilians. There were no independent monitors on the ground, so rumours were flying around, many of which weren't borne out, but there was lots of emotion.'²²⁶

Other factors thought to have informed China's positions include the risk to 35,000 Chinese nationals who were evacuated from Libya between late February and early March (this operation was complete before resolution 1973 was passed); a desire to protect China's large investments in the Libyan oil sector and a concern about what would happen if China ended up on the wrong side of the new regime; fear of isolation in the event of Russian support for the initiative; and the unusual fact that Libya's official ambassador, who had defected from the Gaddafi regime by this stage, was supporting the initiatives.

Explaining why there had been less discussion in China of resolution 1970, one Chinese international relations expert said that '1973 became about regime change and this is the key focus for China. The ICC referral was just about particular people.'²²⁷

As indicated above, China quickly developed regrets about resolution 1973. The Ministry of Foreign Affairs came under attack within the government for the advice it provided and from the general public for failing to exact more concessions on the text of the resolution.²²⁸ Multiple sources in Beijing report that calcium tablets were anonymously sent to China's Foreign Minister as a symbolic means of communicating a need for him to strengthen his backbone, and it is thought that the leadership is now seriously contemplating a major overhaul of foreign policy decision-making processes at the higher levels.

224 S/PV.6491, 26 February 2011, at p. 4.

225 S/PV.6498, 17 March 2011, at p. 10.

226 Chatham House interview, April 2011.

227 Chatham House interview, May 2012.

228 Chatham House interview with a Chinese international relations academic, May 2012.

However, China's practice within the Security Council on human rights matters is more nuanced and flexible than is often assumed. For example, in relation to the conflict in Darfur, Sudan, it threatened to veto but ultimately abstained on resolution 1556 (2004) imposing an arms embargo on all non-state actors including the Janjaweed militias. It later voted in favour of resolutions authorizing peacekeeping missions and abstained on resolution 1593 (2005) referring the situation to the ICC. During 2006 and 2007, China's patience with Sudan was wearing thin and it was coming under pressure about this relationship, including from human rights activists who began dubbing the 2008 Beijing Olympics the 'genocide Olympics'. China responded by assuming a pivotal role in persuading the Sudanese government to accept a plan for a large hybrid UN–African Union peacekeeping mission authorized by the Security Council in July 2007.²²⁹ This move was hailed by commentators as a sign of China's 'New Dictatorship Diplomacy' that tacitly recognized 'the limitations of noninterference'.²³⁰

China's positive votes in favour of sanctions on Côte D'Ivoire's president, Laurent Gbagbo, and his inner circle,²³¹ sanctions on Libya's Muammar Gaddafi and members of his regime and family and a referral of the situation in Libya to the ICC,²³² and a resolution indirectly calling on President Ali Abdullah Saleh of Yemen to leave power,²³³ as well as its acquiescence in the resolution authorizing use of force in Libya, were interpreted by many as further evidence of a progressive trend in Chinese foreign policy in the context of gross human rights violations within a single country.

Chinese debates about the limits to non-intervention

Lively discussions about the drawbacks of China's strict non-intervention policy have taken place in Chinese foreign policy and international legal circles in recent years as part of broader debates about the country's expanding global power, responsibilities and interests, and whether these mean it should adopt a more active global role. Many of these discussions – on topics including the use of force and the responsibility to protect – have taken place discreetly at workshops and at conferences organized by bodies such as the Chinese Society of International Law with officials from the Ministry of Foreign Affairs in attendance 'weighing the advantages and disadvantages of the opinions put forward by academics'.²³⁴ Some of these meetings have been directly orchestrated by the Ministry of Foreign Affairs.

Although strong concerns remain that a more flexible approach could be used against China in the event of a confrontation over Taiwan or major internal disturbances, one Chinese UN expert said that some of these discussions have started from the premise that China is increasingly interfering in the domestic affairs of other states in practice and therefore a framework should be developed for determining when intervention is permissible, who should take these decisions and how a retreat can be managed in the event that intervention makes a situation worse.²³⁵

229 S/RES/1769 (2007).

230 Stephanie Kleine-Ahlbrandt and Andrew Small, 'China's New Dictatorship Diplomacy – Is Beijing Parting With Pariahs?', *Foreign Affairs*, Vol. 87, No. 1 (January/February 2008): 38–56, at 47.

231 S/RES/1975 (2011).

232 S/RES/1970 (2011).

233 S/RES/2014 (2011).

234 Chatham House interview with a former Chinese diplomat, May 2012.

235 Chatham House interview, May 2012.

Non-intervention and traditional sovereignty principles are a “hot topic”, especially the crises in Syria, Libya, Côte d'Ivoire, Iran. Should China get actively involved in crisis management and regional governance or should China stay away, keeping its distance?

Chinese international relations academic describing Chinese debates in this area²³⁶

A small number of scholars are publicly presenting new ideas on these issues. For example, Wang Yizhou, a professor of international politics at Peking University, has promoted a concept of ‘creative involvement’, calling for ‘active contact and involvement instead of intervention by force’. Examples he identifies of this approach include the appointment of China’s special representative for Darfur in 2007, the six-party talks on the Korean peninsula nuclear issue, and participation in joint patrols on the Mekong River and in anti-piracy initiatives off the Somali coast. He is careful, however, to posit his concept as a continuation or ‘enrichment’ of traditional Chinese foreign policy principles such as non-interference.²³⁷ Other scholars are taking a more challenging approach. According to Pang Zhongying, a professor of international relations at Renmin University of China, ‘[a] global China, you know, has to intervene. The question is how to use the Chinese power, how China can intervene effectively and legitimately.’ To the West and others he poses the following question: ‘Yesterday you criticized China for non-interference, and China was not so active in dealing with countries in Africa, using the non-interference as an excuse. But if tomorrow China intervenes, how will the world respond to an interventionist China?’²³⁸

Conversations about intervention are not only taking place among elites but also more widely, as illustrated by vociferous public pressure, channelled through the blogosphere, for the government to take stronger action to protect Chinese citizens and assets abroad, especially in crisis situations. These ideas about intervention are connected with a general popular feeling in China that, after the Olympics, the World Expo hosted by Shanghai in 2010, the development of a successful space programme and the relative fortunes of China and Western economies during the global financial crisis, it is simply time for China to assert itself and act like the global power that the Chinese people perceive it has (rightly) become.²³⁹

Libya – the high-water mark for a more permissive Chinese approach?

A strong view in China that NATO air strikes in Libya went beyond the terms of the Security Council’s authorization caused the winds in Beijing to change direction on these issues. Chinese analysts with close connections to government said that in allowing resolution 1973 to pass, China had ‘tried to reach a balance between sovereignty and human rights’, particularly in the light of support for the resolution by both the African Union and the Arab League. However, China felt ‘betrayed’ by the bombing campaign that ensued and this caused a ‘shift back to a harder line on intervention.’²⁴⁰ Chinese scholars said repeatedly that China had ‘learned its lesson’ by acquiescing in the resolution. At a seminar focused on the responsibility to protect held in

236 Chatham House interview, May 2012.

237 Wang Yizhou, *Creative Involvement: A New Direction in China's Diplomacy* (Beijing University Press, 2011). See also ‘New Direction for Chinese Diplomacy’ (interview with Wang Yizhou), *Beijing Review*, 8 March 2012, http://www.bjreview.com.cn/quotes/txt/2012-03/05/content_432127.htm.

238 The Interpreter, Lowy Institute for International Policy, ‘Through Chinese Eyes: Pang Zhongying (Part 1)’, 22 December 2011, <http://www.lowyinterpreter.org/post/2011/12/22/Through-Chinese-eyes-Pang-Zhongying-%28part-1%29.aspx>.

239 Niu Xinchun, ‘Eight Myths about Sino-U.S. Relations’, *Contemporary International Relations*, Vol. 21, No. 4 (July–August 2011), <http://www.cicir.ac.cn/english/ArticleView.aspx?nid=2935>.

240 Chatham House interview, May 2012.

Beijing on 1 December 2011, Ambassador Chen Jian, a former Under-Secretary-General of the UN, recalled initial fears in the developing world that the concept would be used as a ‘pretext’ for intervention by powerful states in pursuit of their own interests, and concluded that ‘what happened in Libya proved them to be correct.’²⁴¹

‘ In China, the vote on 1973 was initially considered to be a good vote. There was a sense that China was behaving as a responsible great power. China’s failure to block and instead its facilitation of intervention was seen as a good thing. But then very fast the decision was criticized after the no-fly zone was not adhered to [...] If Libya happened again today, China would not abstain. ’

Chinese international relations scholar²⁴²

A number of Chinese experts said that one consequence of this widely perceived misstep on Libya was a closing down of opportunities to explore, at least with government officials, a potential loosening of China’s stance on the principle of non-intervention.

‘ Debate has been shut down now, especially within government. A new-born baby was killed. ’

Former Chinese diplomat talking about the impact of the NATO campaign in Libya on debates in China about the limits of non-intervention²⁴³

China’s reversion to a strong insistence on non-interference is illustrated by its staunch position on the situation in Syria. Together with Russia, at the time of writing it had vetoed three draft Security Council resolutions relating to the crisis, although only the most recent of these texts, voted upon on 19 July 2012, proposed action under Chapter VII of the UN Charter. China’s vetoes of these draft resolutions in defiance of the wishes of the Arab League run counter to Beijing’s previous emphasis on the importance of deference to the views of regional organizations on intervention issues, particularly in the context of humanitarian crises.

‘ Sovereign equality and non-interference in the internal affairs of other countries are the basic norms governing inter-State relations enshrined in the Charter of the United Nations. China has no self-interest in the Syrian issue [...] Our purpose is to safeguard the interests of the Syrian people and Arab countries, and the interests of all countries – small and medium-sized countries in particular – and to protect the role and authority of the United Nations and the Security Council, as well as the basic standards that govern international relations. ’

China’s Permanent Representative and Ambassador to the UN in New York, Li Baodong, explaining China’s veto of the draft resolution on Syria voted upon on 19 July 2012²⁴⁴

It is clear from its public diplomacy that the Chinese leadership understands the damage of these vetoes to China’s international reputation and its self-proclaimed status as a ‘responsible great power’, and there is much talk in Beijing about the fuel they have provided to proponents

241 Remarks of Ambassador Chen Jian at the Dag Hammarskjöld Symposium on 1 December 2011, on file with the authors.

242 Chatham House interview, May 2012.

243 Chatham House interview, May 2012.

244 S/PV.6810, 19 July 2012, pp. 13–14.

of the 'China threat thesis' in the United States and elsewhere. Ambassadors around the world have granted press interviews and otherwise publicly explained China's position. For example, following China's veto on 4 February 2012 of a draft resolution supporting an Arab League decision designed to facilitate a Syrian-led political transition, China's ambassador to the United Kingdom, Liu Xiaoming, wrote a comment piece in the *Guardian* entitled 'Why China voted no'. He expressed China's deep concern about the violence in Syria and signalled its support for the Arab League's efforts to find a political solution, but stated that 'it is fundamental that Syria's sovereignty, independence and territory must be respected'.²⁴⁵ Other Chinese representatives and commentators have portrayed China's position as an act of defence of the UN Charter. According to this view, it is China that is being responsible by stopping other states from undermining fundamental principles of the international order.

What China vetoed were violations of the basic principles of the Charter.

Qu Xing, President of China Institute of International Studies²⁴⁶

A prominent Chinese international relations professor stressed that in contrast to Darfur and Libya where China has extensive oil interests, it has no direct oil or other strategic interests in Syria and therefore the decision to exercise its veto power in the Security Council was 'mainly a political decision'.²⁴⁷ Factors that are thought to have informed this decision-making process include a reflection that enforcement action by the international community often inflames the situation – a Chinese international lawyer said that 'it is easy to put out the fire but difficult to end the war – look at Iraq and Afghanistan'²⁴⁸ – and a grave concern that intervention would trigger wider geopolitical upheaval in the Middle East.

We were worried about what earthquakes would come next, especially Iran which is a tougher country to deal with in terms of nuclear proliferation, terrorism issues, religious issues which are particularly challenging for China given 20 million Muslims in China.

Chinese international relations academic explaining China's position on the Syrian crisis²⁴⁹

In the aftermath of the Libyan intervention, the pendulum therefore appears to have swung back to those in China who favour a stronger adherence to non-interference principles. In the light of this, it appears that any formal relaxation of China's position will not happen quickly, though in practice there will continue to be different degrees of interference – stopping well short of any action aimed at facilitating regime change – where this is deemed necessary to protect China's direct interests.

Non-intervention is a fiction. Pragmatism overrides and it always has.

Western expert on Chinese foreign policy²⁵⁰

245 Liu Xiaoming, 'Why China voted no', *Guardian*, 10 February 2012. Originally published as 'China believes Syria needs a peaceful solution' on 'Comment is Free' on 9 February 2011, <http://www.guardian.co.uk/commentisfree/2012/feb/09/china-syria-veto-un-resolution>.

246 Qu Xing, 'The UN Charter, the UN Responsibility to Protect, and the Syria Issue', China Institute of International Studies, 16 April 2012, www.ciiis.org.cn/english/2012-04/16/content_4943041.htm.

247 Chatham House interview, May 2012.

248 Chatham House interview, June 2012.

249 Chatham House interview, May 2012.

250 Chatham House interview, May 2012.

This does not mean, however, that there is no thinking taking place about other steps China could take to counteract heavy Western criticism of its veto of successive draft Security Council resolutions on Syria. For example, there are suggestions in the academic world that China should table proposals for stronger compulsory investigation and enforcement tools to be given to the Human Rights Council so that it may act more effectively to tackle human rights violations before they become humanitarian disasters.²⁵¹

“ We need to prepare to support further the Human Rights Council. We need Chinese proposals on positive ways to convince the international community to avoid disasters. China has a responsibility to do this [...] If we don't get this right it will lead to more vetoes. ”

Chinese international law academic²⁵²

Interestingly, despite heightened fears that it risks being exploited for the purposes of pursuing ‘regime change’, the concept of the responsibility to protect appears to have survived in China despite this episode. For example, at the aforementioned seminar on 1 December 2011, multiple senior Chinese participants confirmed the value of the concept, even if they acknowledged the challenges presented by its implementation. Ambassador Chen proposed that clearer criteria should be developed for assessing when the principle may be applied, guidelines on what is permissible and what is prohibited militarily, and tighter command and control for the Security Council over any military force it authorizes to take action.²⁵³ During an informal General Assembly dialogue on this subject held on 5 September 2012, China stressed that Security Council resolutions in this area ‘must be strictly and precisely implemented. No party can unilaterally interpret the concept nor can it take any actions beyond the mandate.’²⁵⁴

“ The resolution [1970] was the first try of the responsibility to protect but it gives us a lesson – we need to be careful about the wording of the resolutions and their implementation. The debate is not about the concept of R2P *per se* – there has been no shift in policy – but rather about how it should be used. ”

Chinese international law academic²⁵⁵

“ The concept of responsibility to protect (R2P) reaffirms the obligations of States to deliver good governance and undertake their due responsibility to their people, but at the same time the concept is so broad and undefined that without further qualification it could be invoked to justify any sort of external intervention for unsolicited objects. ”

Xue Hanqin, Chinese judge serving on the International Court of Justice²⁵⁶

251 Chatham House interview, June 2012.

252 Chatham House interview, June 2012.

253 Remarks of Ambassador Chen Jian.

254 66th session of the General Assembly, 5 September 2012, informal interactive dialogue on the responsibility to protect: timely and decisive action, <http://webtv.un.org/meetings-events/watch/part-ii-informal-interactive-dialogue-on-the-report-of-the-secretary-general-on-the-responsibility-to-protect-timely-and-decisive-response-a66874-general-assembly/1824844587001>.

255 Chatham House interview, June 2012.

256 Xue, *Chinese Contemporary Perspectives on International Law*, p. 114.

Moreover, a number of Chinese analysts interviewed considered that in the long term a formal change in China's policy on intervention is inevitable as its increasingly complex investments and other interests abroad generate new imperatives that rub up against this principle.

‘ In the long run this will be the outcome, but certain events have had a temporary impact on the discussion. Discussions are continuing to take place privately without records being made. ’

Chinese international law academic responding to a question about whether China is moving towards a relaxation of its policy on non-intervention²⁵⁷

International criminal justice

China might be expected to oppose the international criminal justice system given the focus of that system on the individual as a subject of international law and its frequent emphasis on the leaders of a state. It also has the potential, in the words of a Chinese representative describing the ICC during the negotiation of its statute, to become ‘a tool for political struggle or a means of interfering in other countries’ internal affairs.’²⁵⁸ However, China's practice in this area over the past 20 years has revealed a vacillating attitude that probably reflects an unsettled or at least a flexible policy.

Citing ‘the particular circumstances in the former Yugoslavia and the urgency of restoring and maintaining world peace’, China joined the rest of the Security Council in voting in favour of resolution 827 (1993) establishing the International Criminal Tribunal for the former Yugoslavia.²⁵⁹ When, the following year, the Security Council adopted resolution 955 (1994) creating the International Criminal Tribunal for Rwanda, China abstained, reiterating its general misgivings about use of Chapter VII powers to establish such tribunals. It also strongly emphasized the opposition of Rwanda, a member of the Security Council at the time, which China considered would make it ‘difficult for the Tribunal to perform its duties in an effective manner’.²⁶⁰ (Rwanda had asked for an international tribunal to be established but was dissatisfied with various aspects including the absence of the death penalty.)

China was one of only seven states (including the United States) to vote against the adoption of the Rome Statute of the ICC in 1998, and it is one of three permanent members of the Security Council that are not parties to it (the United States and Russia are also non-parties). China was fairly active during the negotiations for the statute but, as a former Chinese diplomat explained, it ‘saw itself in the position of the defendant’ throughout the process.²⁶¹ From China's perspective, the Rome Statute failed to protect the sovereignty of states sufficiently. For example, China objected to provision for the court to exercise jurisdiction in some circumstances without the consent of the state(s) concerned and conferral of a limited power on the prosecutor to initiate investigations and to prosecute *proprio motu* (on his or her own initiative), a power that China stated was ‘tantamount to the right to judge and rule on State conduct’.²⁶² China also considered

257 Chatham House interview, June 2012.

258 United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June–17 July 1998, Official Records, Volume II, A/CONF.183/13 at 75, para 35.

259 S/PV.3217, 25 May 1993, pp. 33–4.

260 S/PV.3453, 8 November 1994, p. 11.

261 Chatham House interview, May 2012.

262 United Nations Diplomatic Conference of Plenipotentiaries, Volume II, at 124, para 39.

that some of the crimes over which the court was granted jurisdiction were defined too broadly. For example, it objected to the inclusion both of war crimes committed in the context of internal (as opposed to international) armed conflict,²⁶³ and of crimes against humanity committed outside an armed conflict. It also stated its view that the statute should be adopted by consensus in order to ensure universal participation.

“ To pronounce a state unable or unwilling to prosecute the worst crimes may not be a simple statement of facts, but a judgment on its political and legal systems. ”

Xue Hanqin, writing about the ICC's power to declare a case admissible notwithstanding a domestic investigation or prosecution where it deems the relevant state 'unwilling or unable genuinely to carry out the investigation or prosecution'²⁶⁴

In practice, China has to date permitted two referrals by the Security Council to the ICC. Even though it raised objections to such a move in the absence of the consent of the Sudanese government, China chose to abstain on, rather than veto, resolution 1593 (2005) referring the situation in Darfur to the ICC.²⁶⁵ It later supported the 'reasonable' request of the African Union and others for the Security Council to order a 12-month deferral of the ICC's indictment,²⁶⁶ but sufficient support for the requisite resolution under Chapter VII could not be found.²⁶⁷ China registered its displeasure in the Security Council after the ICC issued its first arrest warrant for Sudanese President Omar Al Bashir in March 2009, stating that this had 'adversely affected the situation in Darfur'²⁶⁸ and, despite the arrest warrant, Al Bashir travelled to China to meet President Hu Jintao in June 2011. As a permanent member of the Security Council, China was heavily criticized for its failure to effect the arrest warrant since resolution 1593 urged all states, including non-parties to the Rome Statute, to cooperate with the ICC in relation to this matter.

In February 2011, as discussed above, China (along with the United States and Russia) made international headlines by casting a positive vote in favour of the unanimously adopted resolution 1970 (2011) referring the situation in Libya to the ICC.

China continues to voice its support for the ICC in theory and has sent observers to participate in sessions of the Assembly of States Parties. At the Review Conference for the Rome Statute in Kampala in mid-2010, China contributed actively to negotiations about the crime of aggression, the definition of which had been left pending when the statute was adopted because agreement could not be reached. Like the other permanent members of the Security Council, China was concerned that the provisions adopted at the Review Conference did not go far enough to recognize the exclusive responsibility of the Security Council for determining the existence of an act of aggression.²⁶⁹

263 China thus supported the provision in the Rome Statute excluding from the definition of war crimes acts committed in 'situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature' (Article 8(2)(d)) and it was at China's insistence that the statute provided that the responsibility of a government 'to maintain or re-establish law and order in the State or to defend the unity and territorial integrity of the State, by all legitimate means' was unaffected by the war crimes provisions (Article 8(3)).

264 Xue Hanqin, 'Chinese Observations on International Law', *Chinese Journal of International Law*, Vol. 6, No. 1 (2007): 93. The provision of the Rome Statute to which she refers is Article 17 (1) (a). Note that this article was written before her appointment to the International Court of Justice when she was Ambassador of China to the Netherlands.

265 S/PV.5158, 31 March 2005, p. 5.

266 S/PV.5947, 31 July 2008, p. 6.

267 Article 16 of the Rome Statute requires the ICC to suspend investigations or prosecutions for 12 months if the Security Council passes a Chapter VII resolution requesting it to do so.

268 S/PV.6096, 20 March 2009, p. 10.

269 Statement by China after the adoption of resolution RC/Res.6 on the crime of aggression, Review Conference of the Rome Statute of the International Criminal Court, Kampala, 31 May–11 June 2010, Official Records, RC/11, Annex IX at 125.

There is a small but growing community of Chinese international criminal law academics who are closely studying and writing about the ICC's proceedings and jurisprudence, and active debates are taking place in these and wider foreign policy circles about whether China should become a party to the Rome Statute. There are, however, no indications that it is preparing to ratify it any time soon, especially in the absence of US participation, and it seems clear that any shift by China towards a more interventionist foreign policy would create further complications for any step in this direction.

7 Conclusions

The future of the international human rights system is by no means certain as the West increasingly cedes global power to developing states with fast-growing economies, many of which have traditionally been sceptical of the human rights framework owing to its rootedness in Western philosophy and association with the geopolitical dominance of the West in modern times. With its soaring wealth and global influence, China is a 'triton among the minnows' in this new landscape and, especially in view of the challenging role it has historically played within key UN human rights fora, its objectives in this field are of particular importance.

China's ratification of core international human rights treaties and its record of participation in the Human Rights Council demonstrate that it wishes to be perceived as accepting the legitimacy of the international human rights system and, broadly, the norms on which it is based. Within this system, China has persistently sought to weaken accountability mechanisms, most recently by tightening controls on the Council's special procedures and the human rights treaty bodies, but it generally does not play a 'spoiler' role in relation to specific thematic or country initiatives aimed at strengthening human rights compliance. Indeed China is remarkably judicious about the issues on which it engages and has for the most part cultivated a low profile, forgoing leadership even on its preferred issues including socio-economic rights. This back-seat role almost certainly reflects China's success in the late 1990s in deflecting discussions with Western states about its human rights record into bilateral fora in which it increasingly holds the upper hand. This achieved, China's cardinal goal, pursued aggressively at times, has been to keep its domestic human rights record off the agenda of UN bodies.

Thus China's posture within the international human rights system is principally defensive. As demonstrated in recent sessions of the Council, however, it is increasingly prepared to step forward and build coalitions in support of its views about such matters as the paramount responsibility of the state to secure public order and the permissibility of restricting individual liberties towards this end. Such moves are revealing of the link between China's extreme sensitivity to criticism of its domestic human rights record and the leadership's preoccupation with maintaining political control and social stability. It is probably no coincidence that moves towards a more internationalist perspective – for example by recognizing the universality of human rights and permitting more open debates within China about the limits to non-interference – have occurred during periods when China has been relatively stable. This also explains the more assertive stance it has recently adopted on issues relating to public protests, freedom of speech and the internet as the wave of popular uprisings took hold and toppled authoritarian regimes in the Middle East and North Africa, prompting anxiety that these events would trigger major unrest in China. Despite the growing number of local protests taking place across China at any one time, such fears have generally not materialized.

In the short term, the implications of China's rise for the international human rights system are likely to depend heavily on the country's internal trajectory. If its leadership is able to steer

it through its many domestic challenges, it is conceivable that China will begin to adopt a less defensive attitude towards human rights both at home and abroad and that new possibilities will open up for joint working with Western states on international human rights issues. Certainly there are many mainstream intellectuals within China who consider that its growing global power entails a responsibility to contribute more to global governance, and some would like to see it becoming a more active and constructive participant within the UN's human rights machinery. These latter aspirations are not yet reflected in Chinese foreign policy, despite the interesting positions adopted by China at the outset of the crisis in Libya, but it is possible that this may change over time. If instead China remains unstable, the government can be expected to continue with its more hardline position on the responsibility of sovereign states to act robustly in the face of internal unrest without the threat of intervention authorized by the Security Council or condemnatory resolutions by the Human Rights Council.

In the longer term, it seems likely that China's increasingly complex global economic and strategic interests will further compromise its commitment to strict conceptions of state sovereignty and non-interference, as powerful business and military constituencies and nationalistic elements of the general public clamour for these interests to be protected via a more activist foreign policy befitting China's global power. This will inevitably reignite debates in policy circles about the need to modify China's formal position on non-interference. While any policy shifts in this direction will not be driven by arguments about the need for a more progressive approach to international human rights issues, Chinese advocates of such an approach will be quick to argue that a less permissive approach to human rights abuses in other parts of the world will reap benefits for China's evolving international image.

While there is clear evidence that China has begun experimenting with a more confident and assertive approach within the Human Rights Council, it is too early to conclude that this marks a permanent transition in its engagement with the international human rights system generally. For now, international human rights issues remain a peripheral concern to the Chinese leadership, and any more significant change in normative or diplomatic terms is likely to depend on the outcome of deeper, unsettled political debates taking place in China about its rightful role within the international order.

Appendix 1

Human Rights Council resolutions adopted by vote:
Regular Sessions 1–20 and Special Sessions 1–19
(excluding resolutions on which China abstained)

Compiled by Hemi Mistry

Table key

●	With China
◆	Against China
■	Abstained
	Regular Session Resolution
	Special Session Resolution

	Draft Declaration pursuant to GAR 49/214 (1994)	Occupied Palestinian Territories (OPT)	Israeli military operations against Lebanon	Working Group on the Review of Mandates	Human rights in the Occupied Syrian Golan	Israeli settlements in OPT and Syrian Golan	Israeli offensives on Gaza and Beit Hanoun	Israel's 'Operation Cast Lead'	Preparations for the Durban Review Conference	Effect of globalization on the realization of all human rights	Strengthening of the OHCHR	Combating defamation of religions
	June 2006 – 1st Session	1st Special Session – July 2006	2nd Special Session – August 2006	September/October 2006 – 2nd Session			3rd Special Session – November 2006	November/December 2007 – 3rd Session		March 2007 – 4th Session		
Country	A/HRC/RES/1/2	A/HRC/RES/S-1/1	A/HRC/RES/S-2/1	A/HRC/RES/2/1	A/HRC/RES/2/3	A/HRC/RES/2/4	A/HRC/RES/S-3/1	A/HRC/RES/3/1	A/HRC/RES/3/2	A/HRC/RES/4/5	A/HRC/RES/4/6	A/HRC/RES/4/9
China's Vote on Resolution	For	For	For	For	For	For	For	For	For	For	For	For
Algeria	■	●	●	●	●	●	●	●	●	●	●	●
Angola												
Argentina	■	●	●	■	●	●	●	●	●	●	●	■
Austria												
Azerbaijan	●	●	●	●	●	●	●	●	●	●	●	●
Bahrain	■	●	●	●	●	●	●	●	●	●	●	●
Bangladesh	■	●	●	●	●	●	●	●	●	●	●	●
Belgium												
Benin												
Bolivia												
Bosnia and Herzegovina												
Botswana												
Brazil	●	●	●	●	●	●	●	●	●	●	●	■
Burkina Faso												
Cameroon	●	■	■	●	■	■		■	●	●	●	●
Canada	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	■	◆
Chile												
Congo												
Costa Rica												
Cuba	●	●	●	●	●	●	●	●	●	●	●	●
Czech Republic	●	◆	◆	◆	■	●	◆	■	◆	◆	■	◆
Djibouti				●	●	●	●	●	●	●	●	●
Ecuador	●	●	●	●	●	●	●	●	●	●	●	■
Egypt												
Finland	●	◆	◆	◆	■	●	◆	■	◆	◆	■	◆
France	●	◆	◆	◆	■	●	■	■	◆	◆	■	◆
Gabon			■	●	●	●	●	●	●	●	●	●
Germany	●	◆	◆	◆	■	●	◆	■	◆	◆	■	◆
Ghana	■	●	■	●	●	●	●	●	●	●	●	■
Guatemala	●	●	■	◆	■	●	■	●	●	●	■	◆
Hungary												
India	●	●	●	●	●	●	●	●	●	●	●	■
Indonesia	●	●	●	●	●	●	●	●	●	●	●	●
Italy												

Japan	●	◆	◆	●	■	●	■	■	◆	◆	●	◆
Jordan	■	●	●	●	●	●	●	●	●	●	●	●
Kuwait												
Kyrgyzstan												
Libyan Arab Jamahiriya												
Madagascar												
Malaysia	●	●	●	●	●	●	●	●	●	●	●	●
Maldives												
Mali		●	●	●	●	●	●	●	●	●	●	●
Mauritania												
Mauritius	●	●	●	●	●	●	●	●	●	●	●	●
Mexico	●	■	●	◆	●	●	●	●	●	●	●	●
Morocco	■	●	●	●	●	●	●	●	●	●	●	●
Netherlands	●	◆	◆	◆	■	●	◆	■	◆	◆	■	◆
Nicaragua												
Nigeria	■	■	■	●	●	●	●	●	●	●	●	■
Norway												
Pakistan	●	●	●	●	●	●	●	●	●	●	●	●
Peru	●	●	●	◆	●	●	●	●	●	●	●	■
Philippines	■	●	■	●	●	●	●	●	●	●	●	●
Poland	●	◆	◆	◆	■	●	◆	■	◆	◆	■	◆
Qatar												
Republic of Korea	●	■	■	◆	■	●	■	●	◆	◆	●	◆
Republic of Moldova												
Romania	●	◆	◆	◆	■	●	◆	■	◆	◆	■	◆
Russian Federation	◆	●	●	●	●	●	●	●	●	●	●	●
Saudi Arabia	●	●	●	●	●	●	●	●	●	●	●	●
Senegal	■	●	●	●	●	●	●	●	●	●	●	●
Slovakia												
Slovenia												
South Africa	●	●	●	●	●	●	●	●	●	●	●	●
Spain												
Sri Lanka	●	●	●	●	●	●	●	●	●	●	●	●
Switzerland	●	■	■	◆	■	●	■	■	◆	◆	■	◆
Thailand												
Tunisia	■	●	●	●	●	●	●	●	●	●	●	●
Uganda												
Ukraine	■	◆	◆	◆	■	●	■	■	■	◆	■	◆
United Kingdom	●	◆	◆	◆	■	●	◆	■	◆	◆	■	◆
United States												
Uruguay	●	●	●	■	●	●	●	●	●	●	●	■
Zambia	●	●	●	●	●	●	●	●	●	●	●	■
Total in Coincidence with China	29	28	26	29	31	44	31	33	33	33	34	23
Total States that voted (excluding China)	43	44	45	46	46	46	45	46	46	46	46	46
% Coincidence with China on Resolution	67.44	63.64	57.78	63.04	67.39	95.65	68.89	71.74	71.74	71.74	73.91	50.00

	Human rights and international solidarity	Human rights and unilateral coercive measures	Religious and cultural rights in the OPT	Complementary Standards to the Int'l Convention on the Elimination of all forms of Discrimination	'From Rhetoric to Reality' – concrete action against racism	Preparations for the Durban Review Conference	Israeli offensives on OPT and Gaza	Israel/OPT-Gaza human rights violations	Composition of staff at the OHCHR	Mandate of the Independent Expert on Foreign Debt	Mandate of the Independent Expert on Int'l Solidarity	Human rights situation in the DPRK
	September & December 2007 – 6th Session						6th Special Session – January 2008	March 2008 – 7th Session				
Country	A/HRC/RES/6/3	A/HRC/RES/6/7	A/HRC/RES/6/19	A/HRC/RES/6/21	A/HRC/RES/6/22	A/HRC/RES/6/23	A/HRC/RES/S-6/1	A/HRC/RES/7/1	A/HRC/RES/7/2	A/HRC/RES/7/4	A/HRC/RES/7/5	A/HRC/RES/7/15
China's Vote on Resolution	For	For	For	For	For	For	For	For	For	For	For	Against
Algeria												
Angola	●	●	●	●	●	●	●	●	●	●	●	■
Argentina												
Austria												
Azerbaijan	●	●	●	●	●	●	●	●	●	●	●	■
Bahrain												
Bangladesh	●	●	●	●	●	●	●	●	●	●	●	●
Belgium												
Benin												
Bolivia	●	●	●	●	●	●	●	●	●	●	●	◆
Bosnia and Herzegovina	◆	◆	■	◆	◆	◆	■	■	◆	◆	◆	◆
Botswana												
Brazil	●	●	●	●	■	●	●	●	●	●	●	◆
Burkina Faso												
Cameroon	●	●	■	●	●	●	■	■	●	●	●	■
Canada	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Chile												
Congo												
Costa Rica												
Cuba	●	●	●	●	●	●	●	●	●	●	●	●
Czech Republic												
Djibouti	●	●	●	●	●	●	●	●	●	●	●	■
Ecuador												
Egypt	●	●	●	●	●	●	●	●	●	●	●	●
Finland												
France	◆	◆	■	◆	◆	◆	■	■	◆	◆	◆	◆
Gabon	●	●	●					●	●	●	●	■
Germany	◆	◆	■	◆	◆	◆	■	■	◆	◆	◆	◆
Ghana	●	●	●	●	●	●	■	●	●	●	●	◆
Guatemala	●	●	■	●	■	●	■	■	●	●	●	■
Hungary												
India	●	●	●	●	●	●	●	●	●	●	●	■
Indonesia	●	●	●	●	●	●	●	●	●	●	●	●
Italy	◆	◆	■	◆	◆	◆	■	■	◆	◆	◆	◆

Japan	◆	◆	■	■	◆	■	■	■	■	◆	◆	◆
Jordan		●	●	●	●	●	●	●	●	●	●	◆
Kuwait												
Kyrgyzstan												
Libyan Arab Jamahiriya												
Madagascar	●	●	■	●	●	●	●	●	●	●	●	◆
Malaysia	●	●	●	●	●	●	●	●	●	●	●	●
Maldives												
Mali	●	●	●	●	●	●	●	●	●	●	●	■
Mauritania												
Mauritius	●	●	●	●	●	●	●	●	●	●	●	■
Mexico	●	●	●	●	■	●	●	●	●	●	●	◆
Morocco												
Netherlands	◆	◆	■	◆	◆	◆	■	■	◆	◆	◆	◆
Nicaragua	●	●	●	●	●	●	●	●	●	●	●	●
Nigeria	●	●	●	●	●	●	●	●	●	●	●	■
Norway												
Pakistan	●	●	●	●	●	●	●	●	●	●	●	■
Peru	●	●	●	●	■	●	●	●	●	●	●	◆
Philippines	●	●	●	●	●	●	●	●	●	●	●	■
Poland												
Qatar	●	●	●	●	●	●	●	●	●	●	●	■
Republic of Korea	◆	■	■	■	◆	■	■	■	■	◆	◆	◆
Republic of Moldova												
Romania	◆	◆	■	◆	◆	◆	■	■	◆	◆	◆	◆
Russian Federation	●	●	●	●	●	●	●	●	●	●	●	●
Saudi Arabia	●	●	●	●	●	●	●	●	●	●	●	◆
Senegal	●	●	●	●	●	●	●	●	●	●	●	■
Slovakia												
Slovenia	◆	◆	■	◆	◆	◆	■	■	◆	◆	◆	◆
South Africa	●	●	●	●	●	●	●	●	●	●	●	■
Spain												
Sri Lanka	●	●	●	●	●	●	●	●	●	●	●	■
Switzerland	■	◆	■	◆	◆	◆	■	●	■	◆	◆	◆
Thailand												
Tunisia												
Uganda												
Ukraine	◆	■	■	■	◆	■	■	■	◆	◆	◆	◆
United Kingdom	◆	◆	■	◆	◆	◆	■	■	◆	◆	◆	◆
United States												
Uruguay	●	●	●	■	■	●	●	●	●	●	●	◆
Zambia	●	●	●	●	●	●	●	●	●	●	●	■
Total in Coincidence with China	32	33	30	31	27	32	29	32	33	33	33	7
Total States that voted (excluding China)	45	46	46	45	45	45	45	46	46	46	46	46
% Coincidence with China on Resolution	71.11	71.74	65.22	68.89	60.00	71.11	64.44	69.57	71.74	71.74	71.74	15.22

	Israeli settlements in OPT and Syrian Golan	Combating defamation of religions	Mandate of the Working Group on Mercenaries	Human rights in the Occupied Syrian Golan	'From Rhetoric to Reality' – concrete action against racism	Mandate of the Special Rapporteur on Freedom of Opinion and Expression	Promotion of a democratic and equitable international order	Promotion of the right of peoples to peace	Human rights and international solidarity	Human rights and unilateral coercive measures	Israel's conduct in OPT including Beit Hanoun	Israeli offensives on OPT and Gaza
	March 2008 – 7th Session						June 2008 – 8th Session		September 2008 – 9th Session			9th Special Session – January 2009
Country	A/HRC/RES/7/18	A/HRC/RES/7/19	A/HRC/RES/7/21	A/HRC/RES/7/30	A/HRC/RES/7/33	A/HRC/RES/7/36	A/HRC/RES/8/5	A/HRC/RES/8/9	A/HRC/RES/9/2	A/HRC/RES/9/5	A/HRC/RES/9/18	A/HRC/RES/S-9/1
China's Vote on Resolution	For	For	For	For	For	For	For	For	For	For	For	For
Algeria												
Angola	●		●	●	●	●	●	●	●	●	●	●
Argentina									●	●	●	●
Austria												
Azerbaijan	●	●	●	●	●	●	●	●	●	●	●	●
Bahrain									●	●	●	●
Bangladesh	●	●		●	●	●	●	●	●	●	●	●
Belgium												
Benin												
Bolivia	●	■	●	●	●	●	●	●	●	●	●	●
Bosnia and Herzegovina	●		◆	■	■	■	◆	◆	◆	■	■	■
Botswana												
Brazil	●	■	●	●	●	●	●	●	●	●	●	●
Burkina Faso									●	●	●	●
Cameroon	●	●	●	■	●	●	●	●	●	●	■	■
Canada	◆	◆	◆	◆	■	■	◆	◆	◆	◆	◆	◆
Chile									●	●	●	●
Congo												
Costa Rica												
Cuba	●	●	●	●	●	●	●	●	●	●	●	●
Czech Republic												
Djibouti	●	●	●	●	●	●	●	●	●	●	●	●
Ecuador												
Egypt	●	●	●	●	●	●	●	●	●	●	●	●
Finland												
France	●	◆	◆	■	■	■	◆	◆	◆	◆	◆	■
Gabon	●	■		●	●	●	●	●	●	●	●	●
Germany	●	◆	◆	■	■	■	◆	◆	◆	◆	◆	■
Ghana	●	■	●	●	●	●	●	●	●	●	●	●
Guatemala	●	■	●	■	●	■	●	●				
Hungary												
India	●	■	●	●	●	●	●	■	●	●	●	●
Indonesia	●	●	●	●	●	●	●	●	●	●	●	●
Italy	●	◆	◆	■	■	■	◆	◆	◆	◆	◆	■

Japan	●	■	◆	■	■	■	◆	◆	◆	◆	◆	■
Jordan	●	●	●	●	●	●	●	●	●	●	●	●
Kuwait												
Kyrgyzstan												
Libyan Arab Jamahiriya												
Madagascar	●	■	●	●	●	●	●	●		●		●
Malaysia	●	●	●	●	●	●	●	●	●	●	●	●
Maldives												
Mali	●	●	●	●	●	●	●	●				
Mauritania												
Mauritius	●	■	●	●	●	●	●	●	●	●	●	●
Mexico	●	■	●	●	●	●	■	■	●	●	●	●
Morocco												
Netherlands	●	◆	◆	■	■	■	◆	◆	◆	◆	◆	■
Nicaragua	●	●	●	●	●	●	●	●	●	●	●	●
Nigeria	●	●	●	●	●	●	●	●	●	●	●	●
Norway												
Pakistan	●	●	●	●	●	●	●	●	●	●	●	●
Peru	●	■	●	●	●	●	●	●				
Philippines	●	●	●	●	●	■	●	●	●	●	●	●
Poland												
Qatar	●	●	●	●	●	●	●	●	●	●	●	●
Republic of Korea	●	■	◆	■	■	■	◆	◆	◆	■	■	■
Republic of Moldova												
Romania	●	◆	◆	■	■	■	◆	◆				
Russian Federation	●	●	●	●	●	●	●	●	●	●	●	●
Saudi Arabia	●	●	●	●	●	●	●	●	●	●	●	●
Senegal	●	●	●	●	●	●	●	●	●	●	●	●
Slovakia									◆	◆	◆	■
Slovenia	●	◆	◆	■	■	■	◆	◆	◆	◆	◆	■
South Africa	●	●	●	●	●	●	●	●	●	●	●	●
Spain												
Sri Lanka	●	●	●	●	●	●	●	●				
Switzerland	●	◆	■	■	■	■	◆	◆	◆	◆	■	■
Thailand												
Tunisia												
Uganda												
Ukraine	●	◆	■	■	■	■	◆	◆	◆	◆	■	■
United Kingdom	●	◆	◆	■	■	■	◆	◆	◆	◆	◆	■
United States												
Uruguay	●	■	●	●	●	●	●	●	●	●	●	●
Zambia	●	■	●	●	●	●	●	●	●	●	●	●
Total in Coincidence with China	45	20	31	31	33	31	32	31	32	32	31	32
Total States that voted (excluding China)	46	44	44	46	46	46	46	46	45	45	45	46
% Coincidence with China on Resolution	97.83	45.45	70.45	67.39	71.74	67.39	69.57	67.39	71.11	71.11	68.89	69.57

	Impact of global economic and financial crisis on human rights	Composition of staff at the OHCHR	Use of mercenaries as violations of HR and impediments to the right to self determination	Situation of human rights in the DPRK	Human rights in the Occupied Syrian Golan	Israeli settlements in OPT and Syrian Golan	Human rights violations in OPT	Follow-up to HRC Res/S-9/1 on Israel's 'Operation Cast Lead'	Combating defamation of religions	Complementary Standards to the Int'l Convention on the Elimination of all forms of Discrimination	Human rights situation in DRC and technical cooperation	Human rights assistance to Sri Lanka
	<i>10th Special Session – February 2009</i>	<i>March 2009 – 10th Session</i>										<i>11th Special Session – May 2009</i>
Country	A/HRC/RES/S-10/1	A/HRC/RES/10/5	A/HRC/RES/10/11	A/HRC/RES/10/16	A/HRC/RES/10/17	A/HRC/RES/10/18	A/HRC/RES/10/19	A/HRC/RES/10/21	A/HRC/RES/10/22	A/HRC/RES/10/30	A/HRC/RES/10/33	A/HRC/RES/S-11/1
China's Vote on Resolution	For	For	For	Against	For	For	For	For	For	For	For	For
Algeria												
Angola	●	●	●	■	●	●	●	●	●	●	●	●
Argentina	●	●	●	◆	●	●	●	●	■	●	●	■
Austria												
Azerbaijan	●	●	●	■	●	●	●	●	●	●	●	●
Bahrain	●	●	●	◆	●	●	●	●	●	●	●	●
Bangladesh	●	●	●	■	●	●	●	●	●	●	●	●
Belgium												
Benin												
Bolivia	●	●	●	■	●	●	●	●	●	●	●	●
Bosnia and Herzegovina	■	◆	◆	◆	■	●	●	■	■	◆	■	◆
Botswana												
Brazil	●	●	●	■	●	●	●	●	■	●	●	●
Burkina Faso	●	●	●	◆	●	●	●	●	■	●	●	●
Cameroon	●	●	●	◆	■	●	■	■	●	●	●	●
Canada	■	◆	◆	◆	◆	◆	◆	◆	◆	◆	■	◆
Chile	●	■	■	◆	●	●	●	●	◆	●	●	◆
Congo												
Costa Rica												
Cuba	●	●	●	●	●	●	●	●	●	●	●	●
Czech Republic												
Djibouti	●	●	●	■	●	●	●	●	●	●	●	●
Ecuador												
Egypt	●	●	●	●	●	●	●	●	●	●	●	●
Finland												
France	■	◆	◆	◆	■	●	■	■	◆	◆	■	◆
Gabon		●	●	■	●	●	●	●	●	●	●	■
Germany	■	◆	◆	◆	■	●	◆	■	◆	◆	■	◆
Ghana	●	●	●	◆	●	●	●	●	■	●	●	●
Guatemala												
Hungary												
India	●	●	●	■	●	●	●	●	■	●	●	●
Indonesia	●	●	●	●	●	●	●	●	●	●	●	●
Italy	■	◆	◆	◆	■	●	◆	■	◆	◆	■	◆

Japan	■	◆	◆	◆	■	●	■	■	■	◆	■	■
Jordan	●	●	●	◆	●	●	●	●	●	●	●	●
Kuwait												
Kyrgyzstan												
Libyan Arab Jamahiriya												
Madagascar	●	●	●	◆	●	●	●	●	■	●	●	●
Malaysia	●	●	●	■	●	●	●	●	●	●	●	●
Maldives												
Mali												
Mauritania												
Mauritius	●	●	●	◆	●	●	●	●	■	●	●	■
Mexico	■	●	■	◆	●	●	●	●	■	●	●	◆
Morocco												
Netherlands	■	◆	◆	◆	■	●	◆	■	◆	◆	■	◆
Nicaragua	●	●	●	■	●	●	●	●	●	●	■	●
Nigeria	●	●	●	●	●	●	●	●	●	●	●	●
Norway												
Pakistan	●	●	●	■	●	●	●	●	●	●	●	●
Peru												
Philippines	●	●	●	■	●	●	●	●	●	●	●	●
Poland												
Qatar	●	●	●	■	●	●	●	●	●	●	●	●
Republic of Korea	■	■	◆	◆	■	●	■	■	■	◆	■	■
Republic of Moldova												
Romania												
Russian Federation	●	●	●	●	●	●	●	●	●	●	●	●
Saudi Arabia	●	●	●	◆	●	●	●	●	●	●	●	●
Senegal	●	●	●	■	●	●	●	●	●	●	●	●
Slovakia	■	◆	◆	◆	■	●	■	■	◆	◆	■	◆
Slovenia	■	◆	◆	◆	■	●	■	■	◆	◆	■	◆
South Africa	●	●	●	■	●	●	●	●	●	●	●	●
Spain												
Sri Lanka												
Switzerland	■	◆	■	◆	■	●	●	■	◆	◆	■	◆
Thailand												
Tunisia												
Uganda												
Ukraine	■	◆	◆	◆	■	●	■	■	◆	◆	■	■
United Kingdom	■	◆	◆	◆	■	●	■	■	◆	◆	■	◆
United States												
Uruguay	●	●	●	◆	●	●	●	●	■	●	●	●
Zambia		●	●	◆	●	●	●	●	■	●	●	●
Total in Coincidence with China	30	32	31	5	32	45	34	32	22	33	32	28
Total States that voted (excluding China)	44	46	46	46	46	46	46	46	46	46	46	46
% Coincidence with China on Resolution	68.18	69.57	67.39	10.87	69.57	97.83	73.91	69.57	47.83	71.74	69.57	60.87

	Promotion of the right of peoples to peace	Effect of foreign debt and on the enjoyment of all human rights	Human rights situation in Sudan	Human rights and international solidarity	A better understanding of traditional values to promote human rights	Human rights and unilateral coercive measures	The right to development	The human rights situation in the OPT	Composition of staff at the OHCHR	Human rights in the Occupied Syrian Golan	Right of the Palestinian People to Self Determination	Israeli settlements in OPT and Syrian Golan
	June 2009 – 11th Session			September–October 2009 – 12th Session				12th Special Session – October 2009	March 2010 – 13th Session			
Country	A/HRC/RES/11/4	A/HRC/RES/11/5	A/HRC/RES/11/10	A/HRC/RES/12/9	A/HRC/RES/12/21	A/HRC/RES/12/22	A/HRC/RES/12/23	A/HRC/RES/S-12/1	A/HRC/RES/13/1	A/HRC/RES/13/5	A/HRC/RES/13/6	A/HRC/RES/13/7
China's Vote on Resolution	For	For	Against	For	For	For	For	For	For	For	For	For
Algeria												
Angola	●	●	■	●	●	●	●		●	●	●	●
Argentina	●	●	◆	●	■	●	●	●	●	●	●	●
Austria												
Azerbaijan	●	●	●									
Bahrain	●	●	●	●	●	●	●	●	●	●	●	●
Bangladesh			●	●	●	●	●	●	●	●	●	●
Belgium				◆	◆	◆	■	■	◆	■	●	●
Benin												
Bolivia	●	●	■	●	●	●	●	●	●	●	●	●
Bosnia and Herzegovina	◆	◆	◆	◆	■	◆	■	■	■	■	●	●
Botswana												
Brazil	●	●	◆	●	■	●	●	●	●	●	●	●
Burkina Faso	●	●	■	●	●	●	●	■	●	●	●	●
Cameroon	●	●	●	●	●	●	●	■	●	■		●
Canada	◆	◆	◆									
Chile	●	■	◆	●	◆	●	●	●	■	●	●	●
Congo												
Costa Rica												
Cuba	●	●	●	●	●	●	●	●	●	●	●	●
Czech Republic												
Djibouti	●	●	●	●	●	●	●	●	●	●	●	●
Ecuador												
Egypt	●	●	●	●	●	●	●	●	●	●	●	●
Finland												
France	◆	◆	◆	◆	◆	◆	■		◆	■	●	●
Gabon	●	●	■	●	●	●	●	■	●	■	●	●
Germany	◆	◆	◆									
Ghana	●	●	■	●	■	●	●	●		●	●	●
Guatemala												
Hungary				◆	◆	◆	■	◆	◆	■	●	●
India	■	●	■	●	●	●	●	●	●	●	●	●
Indonesia	●	●	●	●	●	●	●	●	●	●	●	●
Italy	◆	◆	◆	◆	◆	◆	■	◆	◆	■	●	●

Japan	◆	◆	◆	◆	◆	◆	■	■	◆	■	●	●
Jordan	●	●	●	●	●	●	●	●	●	●	●	●
Kuwait												
Kyrgyzstan				●	●	●	●		●	●	●	●
Libyan Arab Jamahiriya												
Madagascar	●	●	■	●	●	●	●		●	●	●	●
Malaysia	●	●	●									
Maldives												
Mali												
Mauritania												
Mauritius	●	●	◆	●	◆	●	●	●	●	●	●	●
Mexico	●	■	◆	●	◆	●	●	■	●	●	●	●
Morocco												
Netherlands	◆	◆	◆	◆	◆	◆	■	◆	◆	■	●	●
Nicaragua	●	●	■	●	●	●	●	●	●	●	●	●
Nigeria	●	●	●	●	●	●	●	●	●	●	●	●
Norway				◆	◆	◆	■	■	◆	■	●	●
Pakistan	●	●	●	●	●	●	●	●	●	●	●	●
Peru												
Philippines	●	●	●	●	●	●	●	●	●	●	●	●
Poland												
Qatar	●	●	●	●	●	●	●	●	●	●	●	●
Republic of Korea	◆	◆	◆	◆	◆	◆	■	■	■	■	●	●
Republic of Moldova												
Romania												
Russian Federation	●	●	●	●	●	●	●	●	●	●	●	●
Saudi Arabia	●	●	●	●	●	●	●	●	●	●	●	●
Senegal	●	●	■	●	●	●	●	●	●	●	●	●
Slovakia	◆	◆	◆	◆	◆	◆	■	◆	◆	■	●	●
Slovenia	◆	◆	◆	◆	◆	◆	■	■	◆	■	●	●
South Africa	●	●	●	●	●	●	●	●	●	●	●	●
Spain												
Sri Lanka												
Switzerland	◆	◆	◆									
Thailand												
Tunisia												
Uganda												
Ukraine	◆	◆	◆	◆	■	◆	■	◆	◆	■	●	●
United Kingdom	◆	◆	◆	◆	◆	◆	■	◆	◆	■	●	●
United States				◆	◆	◆	■	◆	◆	◆	◆	◆
Uruguay	●	●	◆	●	■	●	●	■	●	●	●	●
Zambia	●	●	◆	●	●	●	●	●	●	●	●	●
Total in Coincidence with China	31	30	17	32	25	31	32	24	30	30	44	45
Total States that voted (excluding China)	45	45	46	46	46	45	46	41	45	46	45	46
% Coincidence with China on Resolution	68.89	66.67	36.96	69.57	54.35	68.89	69.57	58.54	66.67	65.22	97.78	97.83

	Human rights violations in OPT	Follow-up to the Goldstone Report	Human rights situation in the DPRK	Combating defamation of religions	Israeli offensive against Mavi Mamara flotilla	Promotion of the right of peoples to peace	Effect of foreign debt and on the enjoyment of all human rights	Follow-up to the independent mission on the Mavi Mamara flotilla	Follow up to Report of Committee of Experts on IHL and IHL established pursuant to HRC Res 13/9	Use of mercenaries as violations of HR and impediments to the right to self determination	Human rights and international solidarity	Human rights and unilateral coercive measures
	March 2010 – 13th Session				May-June 2010 – 14th Session			September-October 2010 – 15th Session				
Country	A/HRC/RES/13/8	A/HRC/RES/13/9	A/HRC/RES/13/14	A/HRC/RES/13/16	A/HRC/RES/14/1	A/HRC/RES/14/3	A/HRC/RES/14/4	A/HRC/RES/15/1	A/HRC/RES/15/6	A/HRC/RES/15/12	A/HRC/RES/15/13	A/HRC/RES/15/24
China's Vote on Resolution	For	For	Against	For	For	For	For	For	For	For	For	For
Algeria												
Angola	●	●	■		●	●	●	●	●	●	●	●
Argentina	●	●	◆	◆	●	●	●	●	●	●	●	●
Austria												
Azerbaijan												
Bahrain	●	●	◆	●	●	●	●	●	●	●	●	●
Bangladesh	●	●	■	●	●	●	●	●	●	●	●	●
Belgium	◆	■	◆	◆	■	◆	◆	■	■	◆	◆	◆
Benin												
Bolivia	●	●	■	●	●	●	●					
Bosnia and Herzegovina	■	●	◆	■	●	◆	◆					
Botswana												
Brazil	●	●	◆	■	●	●	●	●	●	●	●	●
Burkina Faso	■	■	◆	●	■	●	●	●	■	●	●	●
Cameroon	■	■	■	■		●	●	■	■	●	●	●
Canada												
Chile	●	■	◆	◆	●	●	■	●	■	●	●	●
Congo												
Costa Rica												
Cuba	●	●	●	●	●	●	●	●	●	●	●	●
Czech Republic												
Djibouti	●	●	◆	●	●	●	●	●	●	●	●	●
Ecuador								●	●	●	●	●
Egypt	●	●	●	●	●	●	●					
Finland												
France	◆	■	◆	◆	■	◆	◆	■	■	◆	◆	◆
Gabon	●				●	●	●	●	●	●	●	●
Germany												
Ghana	■	●	◆	■	●	●	●		●	●	●	●
Guatemala								●	■	●	●	●
Hungary	◆	◆	◆	◆	■	◆	◆	■	■	◆	◆	◆
India	●	●	■	■	●	■	●					
Indonesia	●	●	●	●	●	●	●					
Italy	◆	◆	◆	◆	◆	◆	◆					

Japan	■	■	◆	■	■	◆	◆	■	■	◆	◆	◆
Jordan	●	●	◆	●	●	●	●	●	●	●	●	●
Kuwait												
Kyrgyzstan	●	●	■	●	●		●	●	●	●		●
Libyan Arab Jamahiriya								●	●	●	●	●
Madagascar	●	■	◆	■		●	●					
Malaysia								●	●	●	●	●
Maldives								●	●	■	●	●
Mali												
Mauritania								●	●		●	●
Mauritius	●	●	◆	■	●	●	●	●	●	●	●	●
Mexico	●	■	◆	◆	●	●	■	●	■	●	●	●
Morocco												
Netherlands	◆	◆	◆	◆	◆	◆	◆					
Nicaragua	●	●	■	●	●	●	●					
Nigeria	●	●	■	●	●	●	●	●	●	●	●	●
Norway	◆	■	◆	◆	●	◆	■	■	■	◆	◆	◆
Pakistan	●	●	■	●	●	●	●	●	●	●	●	●
Peru												
Philippines	●	●	■	●	●	●	●					
Poland								■	■			
Qatar	●	●	■	●	●	●	●	●	●	●	●	●
Republic of Korea	■	■	◆	◆	■	◆	◆	■	■	◆	◆	◆
Republic of Moldova								■	■	◆	◆	◆
Romania												
Russian Federation	●	●	●	●	●	●	●	●	●	●	●	●
Saudi Arabia	●	●	◆	●	●	●	●	●	●	●	●	●
Senegal	●	●	■	●	●	●	●	●	●	●	●	●
Slovakia	◆	◆	◆	◆	■	◆	◆	■	■	◆	◆	◆
Slovenia	■	●	◆	◆	●	◆	◆					
South Africa	●	●	■	●	●	●	●					
Spain								■	■	◆	◆	◆
Sri Lanka												
Switzerland								■	■	■	◆	◆
Thailand								●	●	●	●	●
Tunisia												
Uganda								●	●	●	●	●
Ukraine	■	◆	◆	◆	■	◆	◆	■	■	◆	◆	◆
United Kingdom	◆	■	◆	◆	■	◆	◆	■	■	◆	◆	◆
United States	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Uruguay	●	●	◆	◆	●	●	●	●	●	●	●	●
Zambia	●	●	◆	◆		●	●	■	■	●	●	●
Total in Coincidence with China	29	28	4	19	31	30	30	29	26	30	31	31
Total States that voted (excluding China)	46	45	45	44	43	45	46	45	46	45	45	45
% Coincidence with China on Resolution	63.04	62.22	8.89	43.18	72.09	66.67	65.22	64.44	56.52	66.67	68.89	68.89

	The right to development	Private military and security companies: Working Group on the possible elaboration of a regulatory framework	Human rights situation in Sudan	A better understanding of traditional values to promote human rights	Human rights situation in the DPRK	The situation of human rights in the Islamic Republic of Iran	Composition of staff at the OHCHR	Effect of foreign debt and on the enjoyment of all human rights	Human rights in the Occupied Syrian Golan	Follow-up to the independent mission on the Mavi Mamara flotilla	Human rights violations in OPT	Right of the Palestinian People to self determination
	September–October 2010 – 15th Session						February–March 2011 – 16th Session					
Country	A/HRC/RES/15/25	A/HRC/RES/15/26	A/HRC/RES/15/27	A/HRC/RES/16/3	A/HRC/RES/16/8	A/HRC/RES/16/9	A/HRC/RES/16/10	A/HRC/RES/16/14	A/HRC/RES/16/17	A/HRC/RES/16/20	A/HRC/RES/16/29	A/HRC/RES/16/30
China's Vote on Resolution	For	For	Against	For	Against	Against	For	For	For	For	For	For
Algeria												
Angola	●	●		●	■		●	●	●	●	●	●
Argentina	●	●	◆	■	◆	◆	●	●	●	●	●	●
Austria												
Azerbaijan												
Bahrain	●	●	●	●		■	●	●	●	●	●	●
Bangladesh	●	●	●	●	■	●	●	●	●	●	●	●
Belgium	●	◆	◆	◆	◆	◆	◆	◆	■	●	■	●
Benin												
Bolivia												
Bosnia and Herzegovina												
Botswana												
Brazil	●	●	◆	■	◆	◆	●	●	●	●	●	●
Burkina Faso	●	●	●	●	◆	■	●	●	●	●	●	●
Cameroon	●	●	●	●	■	■	●	●	■	■	■	●
Canada												
Chile	●	●	◆	■	◆	◆	■	■	●	●	●	●
Congo												
Costa Rica												
Cuba	●	●	●	●	●	●	●	●	●	●	●	●
Czech Republic												
Djibouti	●	●	●	●	◆	■	●	●	●	●	●	●
Ecuador	●	●	◆	●	■	●	●	●	●	●	●	●
Egypt												
Finland												
France	●	◆	◆	◆	◆	◆	◆	◆	■	●	■	●
Gabon	●	●	◆		◆	■	●	■	■	●	●	●
Germany												
Ghana	●	●	●	●	◆	■	●	●	●	●	●	●
Guatemala	●	●	◆	■	◆	◆	●	●	■	●	■	●
Hungary	●	◆	◆	◆	◆	◆	◆	◆	■	■	■	●
India												
Indonesia												
Italy												

Japan	●	◆	◆	◆	◆	◆	◆	◆	■	●	■	●
Jordan	●	●	●	●	◆	■	●	●	●	●	●	●
Kuwait												
Kyrgyzstan	●	●	■	●	◆		●	●	●	●	●	●
Libyan Arab Jamahiriya	●	●	●									
Madagascar												
Malaysia	●	●	●	●	■	■	●	●	●	●	●	●
Maldives	●	■	◆	●	◆	◆	●	●	●	●	●	●
Mali												
Mauritania	●	●	●	●	■	●	●	●	●	●	●	●
Mauritius	●	●	■	◆	◆	■	●	●	●	●	●	●
Mexico	●	●	◆	◆	◆	◆	●	■	●	●	●	●
Morocco												
Netherlands												
Nicaragua												
Nigeria	●	●	●	●	■	■	●	●	●	●	●	●
Norway	●	■	◆	◆	◆	◆	◆	■	■	●	■	●
Pakistan	●	●	●	●	■	●	●	●	●	●	●	●
Peru												
Philippines												
Poland	●	◆	◆	◆	◆	◆	◆	◆	■	■	■	●
Qatar	●	●	●	●	■		●	●	●	●	●	●
Republic of Korea	●	◆	◆	◆	◆	◆	■	◆	■	■	■	●
Republic of Moldova	●	◆	◆	■	◆	◆	◆	◆	■	■	■	●
Romania												
Russian Federation	●	●	●	●	●	●	●	●	●	●	●	●
Saudi Arabia	●	●	●	●		■	●	●	●	●	●	●
Senegal	●	●	●	●	■	◆	●	●	●	●	●	●
Slovakia	●	◆	◆	◆	◆	◆	◆	◆	■	■	■	●
Slovenia												
South Africa												
Spain	●	◆	◆	◆	◆	◆	◆	◆	■	●	■	●
Sri Lanka												
Switzerland	●	■	◆	◆	◆	◆	◆	◆	■	●	●	●
Thailand	●	●	■	●	◆	■	●	●	●	●	●	●
Tunisia												
Uganda	●	●	◆	●	■	■	●	●	●	●	●	●
Ukraine	●	◆	◆	■	◆	◆	◆	◆	■	■	■	●
United Kingdom	●	◆	◆	◆	◆	◆	◆	◆	■	●	■	●
United States	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Uruguay		●	◆	■	◆	■	●	●	●	●	●	●
Zambia	●	●	◆	●	◆	◆	●	●	●	■	■	●
Total in Coincidence with China	44	31	17	23	2	6	30	28	28	36	29	44
Total States that voted (excluding China)	45	46	45	44	43	42	45	45	45	45	45	45
% Coincidence with China on Resolution	97.78	67.39	37.78	52.27	4.65	14.29	66.67	62.22	62.22	80.00	64.44	97.78

	Israeli settlements in OPT and Syrian Golan	Follow up to fact finding mission into the Gaza Conflict	Syrian Arab Republic: current human rights situation	Mandate of the International Expert on Human Rights and International Solidarity	Effect of foreign debt and on the enjoyment of all human rights	Follow-up to the Independent Mission on the Mavi Mamara flotilla	Promotion of the right of peoples to peace	Migrants and asylum seekers fleeing from events in North Africa	Human rights consequences of the non-repatriation of illicit funds to the country of origin	The human rights situation in Belarus	The human rights situation in the Syrian Arab Republic	Use of mercenaries as violations of HR and impediments to the right to self determination
	February–March 2011 – 16th Session		16th Special Session – April 2011	June 2011 – 17th Session							17th Special Session – August 2011	September 2011 – 18th Session
Country	A/HRC/RES/16/31	A/HRC/RES/16/32	A/HRC/RES/S-16/1	A/HRC/RES/17/6	A/HRC/RES/17/7	A/HRC/RES/17/10	A/HRC/RES/17/16	A/HRC/RES/17/22	A/HRC/RES/17/23	A/HRC/RES/17/24	A/HRC/RES/S-17/1	A/HRC/RES/18/4
China's Vote on Resolution	For	For	Against	For	For	For	For	For	For	Against	Against	For
Algeria												
Angola	●	●		●	●	●	●	●	●	■	■	●
Argentina	●	●	◆	●	●	●	●	●	●	◆		
Austria											◆	◆
Azerbaijan												
Bahrain	●	●		●	●	●	●	●	●	■		
Bangladesh	●	●	●	●	●	●	●	●	●	■	■	●
Belgium	●	■	◆	◆	◆	●	◆	◆	■	◆	◆	◆
Benin											◆	●
Bolivia												
Bosnia and Herzegovina												
Botswana											◆	●
Brazil	●	●	◆	●	●	●	●	●	●	◆		
Burkina Faso	●	■	◆	●	●	●	●	●	●	■	◆	●
Cameroon	●	■	■	●	●	■	●	●	●	■	■	●
Canada												
Chile	●	●	◆	●	■	●	●	●	●	◆	◆	●
Congo											◆	●
Costa Rica											◆	●
Cuba	●	●	●	●	●	●	●	●	●	●	●	●
Czech Republic											◆	◆
Djibouti	●	●	■	●	●	●	●	●	●	■	■	●
Ecuador	●	●	●	●	●	●	●	●	●	●	●	●
Egypt												
Finland												
France	●	■	◆	◆	◆	●	◆	◆	■	◆		
Gabon	●	●	●	●	●		●	●	●	◆		
Germany												
Ghana	●	●	◆	●	●	●	●	●	●	■		
Guatemala	●	■	◆	●	●	●	●	●	●	■	◆	●
Hungary	●	■	◆	◆	◆	■	◆	◆	■	◆	◆	◆
India											■	●
Indonesia											◆	●
Italy											◆	◆

Japan	●	■	◆	◆	◆	●	◆	◆	◆	◆		
Jordan	●	●		●	●	●	●	●	●	◆	◆	●
Kuwait												
Kyrgyzstan	●	●	◆	●	●	●	●	●	●	■	◆	●
Libyan Arab Jamahiriya												
Madagascar												
Malaysia	●	●	●	●	●	●	●	●	●	■	■	●
Maldives	●	●	◆	●	●	●	●	●	●	◆	◆	■
Mali												
Mauritania	●	●	●	●	●	●	●	●	●	■	■	■
Mauritius	●	●	◆	●	●	●	●	●	●	◆	◆	●
Mexico	●	■	◆	●	■	●	●	●	●	■	◆	■
Morocco												
Netherlands												
Nicaragua												
Nigeria	●	●	■	●	●	●	●	●	●	●	◆	●
Norway	●	■	◆	◆	■	●	◆	◆	■	◆	◆	◆
Pakistan	●	●	●	●	●	●	●	●	●	■		
Peru											◆	●
Philippines											■	●
Poland	●	■	◆	◆	◆	■	◆	◆	■	◆	◆	◆
Qatar	●	●		●	●	●	●	●	●	■	◆	●
Republic of Korea	●	■	◆	◆	◆	■	◆	◆	■	◆		
Republic of Moldova	●	■	◆	◆	◆	■	◆	◆	■	■	◆	◆
Romania											◆	◆
Russian Federation	●	●	●	●	●	●	●	●	●	●	●	●
Saudi Arabia	●	●	■	●	●	●	●	●	●	■	◆	●
Senegal	●	●	◆	●	●	●	●	●	●	■	◆	●
Slovakia	●	◆	◆	◆	◆	■	◆	◆	■	◆		
Slovenia												
South Africa												
Spain	●	■	◆	◆	◆	●	◆	◆	■	◆	◆	◆
Sri Lanka												
Switzerland	●	■	◆	◆	◆	●	◆	◆	■	◆	◆	■
Thailand	●	●	■	●	●	●	●	●	●	■	◆	●
Tunisia												
Uganda	●	●	■	●	●	●	●	●	●	■	■	●
Ukraine	●	■	■	◆	◆	■	◆	◆	■			
United Kingdom	●	◆	◆	◆	◆	●	◆	◆	■	◆		
United States	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Uruguay	●	●	◆	●	●	●	●	●	●	◆	◆	●
Zambia	●	■	◆	●	●	■	●	●	●	◆		
Total in Coincidence with China	44	26	8	31	29	35	31	31	31	4	3	30
Total States that voted (excluding China)	45	45	41	45	45	44	45	45	45	44	45	45
% Coincidence with China on Resolution	97.78	57.78	19.51	68.89	64.44	79.55	68.89	68.89	68.89	9.09	6.67	66.67

	Human rights and international solidarity	Promotion of a democratic and equitable international order	Panel on the Promotion of Human Rights in a Multicultural Context	The right to development	'From Rhetoric to Reality' - concrete action against racism	The human rights situation in the Syrian Arab Republic	The Syrian Arab Republic: the grave and escalating human rights situation	Sri Lanka: promoting reconciliation and accountability	Human rights in the Occupied Syrian Golan	Human rights and unilateral coercive measures	The right to development	Human rights consequences of the non-repatriation of illicit funds to the country of origin
	September 2011 – 18th Session					18th Special Session – December 2011	February–March 2012 – 19th Session					
Country	A/HRC/RES/18/5	A/HRC/RES/18/6	A/HRC/RES/18/20	A/HRC/RES/18/26	A/HRC/RES/18/27	A/HRC/RES/S-18/1	A/HRC/RES/19/1	A/HRC/RES/19/2	A/HRC/RES/19/14	A/HRC/RES/19/32	A/HRC/RES/19/24	A/HRC/RES/19/38
China's Vote on Resolution	For	For	For	For	For	Against	Against	Against	For	For	For	For
Algeria												
Angola	●	●	●	●	●	■		■	●	●	●	●
Argentina												
Austria	◆	◆	■	●	■	◆	◆	◆	■	◆	●	■
Azerbaijan												
Bahrain												
Bangladesh	●	●	●	●	●	■	◆	●	●	●	●	●
Belgium	◆	◆	■	●	■	◆	◆	◆	■	◆	●	■
Benin	●	●	●	●	●	◆	◆	◆	●	●	●	●
Bolivia												
Bosnia and Herzegovina												
Botswana	●	●	●	●	●	◆	◆	■	●	●	●	●
Brazil												
Burkina Faso	●	●	●	●	●	◆		■	●	●	●	●
Cameroon	●	●	●	●	●	■	◆	◆	■	●	●	●
Canada												
Chile	●	■	●	●	●	◆	◆	◆	●	●	●	●
Congo	●	●	●	●	●	◆	◆	●	●	●	●	●
Costa Rica	●	■	●	●	●	◆	◆	◆	●	●	●	●
Cuba	●	●	●	●	●	●	●	●	●	●	●	●
Czech Republic	◆	◆	■	●	■	◆	◆	◆	■	◆	●	■
Djibouti	●	●	●	●	●	◆	◆	■	●	●	●	●
Ecuador	●	●	●	●	●	●	■	●	●	●	●	●
Egypt												
Finland												
France												
Gabon												
Germany												
Ghana												
Guatemala	●	●	●	●	●	◆	◆	◆	■	●	●	●
Hungary	◆	◆	■	●	■	◆	◆	◆	■	◆	●	■
India	●	●	●	●	●	■	■	◆	●	●	●	●
Indonesia	●	●	●	●	●	◆	◆	●	●	●	●	●
Italy	◆	◆	●	●	■	◆	◆	◆	■	◆	●	■

Japan												
Jordan	●	●	●	●	●	◆	◆	■	●	●	●	●
Kuwait	●	●	●	●	●	◆	◆	●	●	●	●	●
Kyrgyzstan	●	●	●	●	●	◆	◆	■	●	●	●	●
Libyan Arab Jamahiriya						◆	◆	◆	●	●	●	●
Madagascar												
Malaysia	●	●	●	●	●	◆	◆	■	●	●	●	●
Maldives	●	●	●	●	●	◆	◆	●	●	●	●	●
Mali												
Mauritania	■	■	●	●	●	◆	◆	●	●	●	●	●
Mauritius	●	●	●	●	●	◆	◆	◆	●	●	●	●
Mexico	●	■	●	●	●	◆	◆	◆	●	●	●	●
Morocco												
Netherlands												
Nicaragua												
Nigeria	●	●	●	●	●	◆	◆	◆	●	●	●	●
Norway	◆	◆	●	●	●	◆	◆	◆	■	◆	●	■
Pakistan												
Peru	●	■	●	●	●	◆	◆	◆	●	●	●	●
Philippines	●	●	●	●	●	■	■	●	●	●	●	●
Poland	◆	◆	■	●	■	◆	◆	◆	■	◆	●	■
Qatar	●	●	●	●	●	◆	◆	●	●	●	●	●
Republic of Korea												
Republic of Moldova	◆	◆	■	●	■	◆	◆	◆	■	◆	●	■
Romania	◆	◆	■	●	■	◆	◆	◆	■	◆	●	■
Russian Federation	●	●	●	●	●	●	●	●	●	●	●	●
Saudi Arabia	●	●	●	●	●	◆	◆	●	●	●	●	●
Senegal	●	●	●	●	●	◆	◆	■	●	●	●	●
Slovakia												
Slovenia												
South Africa												
Spain	◆	◆	●	●	■	◆	◆	◆	■	◆	●	■
Sri Lanka												
Switzerland	◆	◆	■	●	■	◆	◆	◆	■	◆	●	■
Thailand	●	●	●	●	●	◆	◆	●	●	●	●	●
Tunisia												
Uganda	●	●	●	●	●	■		●	●	●	●	●
Ukraine												
United Kingdom												
United States	◆	◆	◆	■	◆	◆	◆	◆	◆	◆	■	◆
Uruguay	●	●	●	●	●	◆	◆	◆	●	●	●	●
Zambia												
Total in Coincidence with China	32	28	36	44	34	3	2	14	32	34	45	34
Total States that voted (excluding China)	45	45	45	45	45	46	42	46	46	46	46	46
% Coincidence with China on Resolution	71.11	62.22	80.00	97.78	75.56	6.52	4.76	30.43	69.57	73.91	97.83	73.91

	Composition of staff at the OHCHR	The situation of human rights in the Islamic Republic of Iran	Right of the Palestinian People to self determination	Human rights violations in OPT	Israeli settlements in OPT and Syrian Golan	Follow-up to fact finding mission into the Gaza Conflict	Human rights situation in the Syrian Arab Republic	Syrian Arab Republic and El-Houlah Massacre	Effect of foreign debt and on the enjoyment of all human rights	The human rights situation in Belarus	UN Declaration on the Right to Peace	Human rights situation in the Syrian Arab Republic			
	February–March 2012 – 19th Session							19th Special Session – June 2012	June–July 2012 – 20th Session						
Country	A/HRC/RES/19/3	A/HRC/RES/19/12	A/HRC/RES/19/15	A/HRC/RES/19/16	A/HRC/RES/19/17	A/HRC/RES/19/18	A/HRC/RES/19/22	A/HRC/RES/S-19/1	A/HRC/RES/20/10	A/HRC/RES/20/13	A/HRC/RES/20/15	A/HRC/RES/20/22	Total	% Coincidence with China	
China's Vote on Resolution	For	Against	For	For	For	For	Against	Against	For	Against	For	Against			
Algeria													120		
Angola	●	■	●	●	●	●	◆	◆	●	■	●	◆	101	86.14	
Argentina													74	78.38	
Austria	◆	◆	●	●	●	■	◆	◆	◆	◆	■	◆	26	19.23	
Azerbaijan													51	96.08	
Bahrain													72	93.06	
Bangladesh	●	●	●	●	●	●	◆	◆	●	■	●	◆	117	89.74	
Belgium	◆	◆	●	●	●	■	◆	◆	◆	◆	■	◆	69	17.39	
Benin	●	◆	●	●	●	●	◆	◆	●	◆	●	◆	26	65.38	
Bolivia													55	90.91	
Bosnia and Herzegovina													54	12.96	
Botswana	●	◆	●	●	●	●	◆	◆	●	◆	●	◆	26	65.38	
Brazil													94	82.98	
Burkina Faso	●	■	●	●	●	■	◆	◆	●	◆	●	◆	87	73.56	
Cameroon	●	■	●	■	■	■	◆	◆	●	■	●	◆	117	60.68	
Canada													51	0.00	
Chile	■	◆	●	●	●	●	◆	◆	■	◆	●	◆	88	60.23	
Congo	■	■	●	●	●	●	◆	◆	●	◆	●	◆	26	65.38	
Costa Rica	●	◆	●	●	■	■	◆	◆	■	◆	●	◆	26	50.00	
Cuba	●	●	●	●	●	●	●	●	●	●	●	●	120	100.00	
Czech Republic	◆	◆	●	●	■	■	◆	◆	◆	◆	■	◆	38	15.79	
Djibouti	●	■	●	●	●	●	◆	◆	●	■	●	◆	117	86.32	
Ecuador	●	■	●	●	●	●	■	■	●	●	●	◆	65	87.69	
Egypt													55	100.00	
Finland													12	16.67	
France													93	11.83	
Gabon													81	82.72	
Germany													51	7.84	
Ghana													92	81.52	
Guatemala	●	◆	●	■	■	■	◆	◆	●	■	●	◆	85	56.47	
Hungary	◆	◆	●	●	■	■	◆	◆	◆	◆	■	◆	69	13.04	
India	●	■	●	●	●	●	◆	◆	●	●	■	■	93	78.49	
Indonesia	●	■	●	●	●	●	◆	◆	●	■	●	◆	93	91.40	
Italy	◆	◆	●	●	■	■	◆	◆	◆	◆	■	◆	81	11.11	

Japan													94	13.83
Jordan	●	■	●	●	●	●	◆	◆	●	◆	●	◆	118	86.44
Kuwait	●	■	●	●	●	●	◆	◆	●	■	●	◆	26	69.23
Kyrgyzstan	●	■	●	●	●	●	◆	◆	●	■	●	◆	64	79.69
Libyan Arab Jamahiriya	●	■	●	●	●	●	◆	◆	●	■	●	◆	27	70.37
Madagascar													50	82.00
Malaysia	●	■	●	●	●	●	◆	◆	●	■	●	◆	104	87.50
Maldives	●	◆	●	●	●	●	◆	◆	●	◆	●	◆	53	69.81
Mali													31	96.77
Mauritania	●	◆	●	●	●	●	◆	◆	●	■	●	◆	52	75.00
Mauritius	●	■	●	●	●	●	◆	◆	●	◆	●	◆	120	80.00
Mexico	●	◆	●	●	●	■	◆	◆	■	■	●	◆	120	64.17
Morocco													12	91.67
Netherlands													67	8.96
Nicaragua													55	92.73
Nigeria	●	■	●	●	●	●	◆	◆	●	■	●	◆	120	85.00
Norway	◆	◆	●	●	●	■	◆	◆	■	◆	■	◆	69	21.74
Pakistan													94	94.68
Peru	●	◆	●	●	●	●	◆	◆	■	◆	●	◆	58	72.41
Philippines	●	■	●	●	●	●			●	◆	●	■	91	86.81
Poland	◆	◆	●	●	■	■	◆	◆	◆	◆	■	◆	65	13.85
Qatar	●	●	●	●	●	●	◆	◆	●	■	●	◆	106	88.68
Republic of Korea													94	11.70
Republic of Moldova	◆	◆	●	●	■	■	◆	◆	◆	■	■	◆	53	13.21
Romania	◆	◆	●	●	■	■	◆	◆	◆	◆	■	◆	58	12.07
Russian Federation	●	●	●	●	●	●	●	●	●	●	●	●	120	99.17
Saudi Arabia	●	■	●	●	●	●	◆	◆	●	■	●	◆	119	88.24
Senegal	●	◆	●	●	●	●	◆	◆	●	■	●	◆	120	85.00
Slovakia													62	9.68
Slovenia													55	10.91
South Africa													67	95.52
Spain	◆	◆	●	●	■	■	◆	◆	◆	◆	■	◆	53	18.87
Sri Lanka													32	96.88
Switzerland	◆	◆	●	●	●	■	◆	◆	◆	◆	■	◆	104	16.35
Thailand	●	■	●	●	●	●	◆	◆	●	■	●	◆	53	75.47
Tunisia													12	91.67
Uganda	●	■	●	●	●	●	■	■	●	■	●	■	52	76.92
Ukraine													93	8.60
United Kingdom													93	11.83
United States	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	69	0.00
Uruguay	●	■	●	●	●	■	◆	◆	●	■	●	◆	118	75.42
Zambia													91	79.12
Total in Coincidence with China	32	4	45	43	35	28	2	2	30	4	33	2		
Total States that voted (excluding China)	46	46	46	46	46	46	45	45	46	46	46	46		
% Coincidence with China on Resolution	69.57	8.70	97.83	93.48	76.09	60.87	4.44	4.44	65.22	8.70	71.74	4.35		

Appendix 2

Human Rights Council resolutions adopted by vote on which China abstained: Regular Sessions 1–20 and Special Sessions 1–19

Compiled by Hemi Mistry

Table key

✓	For Resolution
!	Abstained
✗	Against Resolution
	Regular Session Resolutions

	Elimination of all forms of religious intolerance	Role of good governance in the promotion of human rights	Torture, inhuman or degrading treatment: role of health and medical personnel	The impact of religious discrimination on the realization of economic, social and cultural rights	Human rights, sexual orientation and gender identity	Human rights, democracy and rule of law
	6th Session	7th Sessions	10th Session		17th Session	19th Session
Country	A/HRC/RES/6/37	A/HRC/RES/7/11	A/HRC/RES/10/24	A/HRC/RES/10/25	A/HRC/RES/17/19	A/HRC/RES/19/36
China's Vote on Resolution	Abstained	Abstained	Abstained	Abstained	Abstained	Abstained
Algeria						
Angola	✓	✓	✓	✓	✗	✓
Argentina			✓	✓	✓	
Austria						✓
Azerbaijan	!	✓	✓	!		
Bahrain			!	!	✗	
Bangladesh	!	✓	!	!	✗	✓
Belgium					✓	✓
Benin						✓
Bolivia	✓	!	✓	!		
Bosnia and Herzegovina	✓	✓	✓	!		
Botswana						✓
Brazil	✓	✓	✓	✓	✓	
Burkina Faso			✓	!	!	✓
Cameroon	!	✓	✓	!	✗	✓
Canada	✓	✓	✓	✓		
Chile			✓	✓	✓	✓
Congo						✓
Costa Rica						
Cuba	✓	!	✓	!	✓	!
Czech Republic						✓
Djibouti	!	✓	!	!	✗	✓
Ecuador					✓	✓
Egypt	!	✓	!	!		
Finland						
France	✓	✓	✓	✓	✓	
Gabon	!	✓	✓	!	✗	
Germany	✓	✓	✓	✓		
Ghana	✓	✓	!	!	✗	
Guatemala	✓	✓			✓	
Hungary					✓	✓
India	✓	✓	!	✓		✓
Indonesia	!	✓	✓	!		✓
Italy	✓	✓	✓	✓		✓

Japan	✓	✓	✓	✓	✓	✓
Jordan	!	✓	!	!	✗	✓
Kuwait						
Kyrgyzstan						✓
Libyan Arab Jamahiriya						✓
Madagascar	✓	✓	✓	!		
Malaysia	!	✓	!	!	✗	✓
Maldives					✗	✓
Mali	!	✓				
Mauritania					✗	✓
Mauritius	✓	✓	✓	✓	✓	✓
Mexico	✓	✓	✓	✓	✓	✓
Morocco						
Netherlands	✓	✓	✓	✓		
Nicaragua	✓	!	✓	✓		
Nigeria	!	✓	✓	!	✗	✓
Norway					✓	✓
Pakistan	!	✓	!	!	✗	
Peru	✓	✓				✓
Philippines	✓	✓	✓	!		✓
Poland					✓	✓
Qatar	!	✓	!	!	✗	✓
Republic of Korea	✓	✓	✓	✓	✓	✓
Republic of Moldova					✗	✓
Romania	✓	✓				✓
Russian Federation	✓	!	✓	✓	✗	✓
Saudi Arabia	!	✓	!	!	✗	
Senegal	!	✓	!	!	✗	✓
Slovakia			✓	✓	✓	
Slovenia	✓	✓	✓	✓		
South Africa	!	✓	✓	✗		
Spain					✓	✓
Sri Lanka	!	!				
Switzerland	✓	✓	✓	✓	✓	✓
Thailand					✓	✓
Tunisia						
Uganda					✗	✓
Ukraine	✓	✓	✓	✓	✓	
United Kingdom	✓	✓	✓	✓	✓	
United States					✓	✓
Uruguay	✓	✓	✓	✓	✓	✓
Zambia	✓	✓	✓	!	!	
Total in Coincidence with China	29	41	34	22	23	43
Total States that voted (excluding China)	46	46	46	46	44	44
% Coincidence with China on Resolution	63.04	89.13	73.91	47.83	52.27	97.73



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