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Written statement* submitted by United Nations Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Candidacy of China for United Nations (UN) Human Rights Council for 2021-2023

China is running for election to the UN Human Rights Council (HRC) for the 2021-2023 term. Its candidacy should be rejected because China does not meet the membership criteria set out in UN General Assembly (GA) Resolution 60/251.

Though one often hears the argument that it is normal for the United Nations to welcome all manner of countries on its Human Rights Council, including even those who commit gross and systematic human rights abuses, the truth is that the presence of abusers on the Council contradicts its own charter.

According to UNGA Resolution 60/251, which established the Council in 2006, General Assembly members are obliged to elect states to the Council by considering “the candidates’ contribution to the promotion and protection of human rights and their voluntary pledges and commitments made thereto.” Members must pledge to uphold “the highest standards in the promotion and protection of human rights.”

As detailed below, China is not qualified for membership in the Human Rights Council according to the above criteria.

Claims Versus Facts

China’s campaign pledge to the UNHRC¹ includes the following claims:

1. Claim: “The Chinese Government...has protected people’s rights to vote, to know, to participate, to express...”

Fact: The citizens of China do not choose their leadership in free and fair elections. Rather, the Communist party leadership selects the President.² Furthermore, China violates the right to freedom of expression. According to the Committee to Protect Journalists, China is among the ten countries in the world with the most censorship and has been one of the top jailers of journalists for more than twenty years.³

2. Claim: “China has ensured independent and impartial exercise of the judicial and procuratorial power and improved the judicial accountability system.”

Fact: The United States of America (U.S.) State Department reports that the Chinese Communist Party dominates the judiciary, controls judicial appointments and “in certain cases directly dictated the court’s ruling.”⁴ In February 2019, President Xi himself published an article avowing that China would “never follow the path of Western ‘constitutionalism,’ ‘separation of powers,’ or ‘judicial independence.’”⁵

3. Claim: “China has actively participated in United Nations human rights affairs, earnestly fulfils its international human rights obligations, carried out extensive international human rights cooperation...”

Fact: China routinely blocks criticism by civil society at UN meetings. When President Xi addressed the UN in Geneva in January 2017, non-governmental organizations

¹ Letter dated 2 June 2020 from the Permanent Representative of China to the United Nations, UN Doc. A/75/90.

² Freedom in the World 2020: China, Freedom House (2020), <https://freedomhouse.org/country/china/freedom-world/2020>.

³ 10 Most Censored Countries, Committee to Protect Journalists (September 2019), <https://cpj.org/reports/2019/09/10-most-censored-eritrea-north-korea-turkmenistan-journalist/#5>.

⁴ U.S. Department of State, Bureau of Democracy, H.R. and Lab., 2018 Country Reports on Human Rights Practices: China (March 11, 2020), <https://www.state.gov/reports/2019-country-reports-on-human-rights-practices/china/>; [hereinafter State Department Report on China].

⁵ Charlotte Gao, Xi: China Must Never Adopt Constitutionalism, Separation of Powers, or Judicial Independence, The Diplomat (February 19, 2019), <https://thediplomat.com/2019/02/xi-china-must-never-adopt-constitutionalism-separation-of-powers-or-judicial-independence/>.

(NGOs) were barred from attending the speech.⁶ In June 2018, UN High Commissioner for Human Rights Zeid Hussein expressed dismay at China’s “continuing efforts to prevent independent members of civil society from engaging with human rights mechanisms, including Treaty Body reviews, this Council’s UPR, and many mandate-holders.”⁷

4. Claim: “China has acted with openness, transparency and responsibility, updating COVID-19 information in a most timely fashion.”

Fact: Chinese authorities covered up the initial outbreak of COVID-19, punished those who tried to sound the alarm and save lives — like the courageous Dr. Li Wenliang of Wuhan — and fought other countries’ efforts, by measures such as travel restrictions, to stop the spread of the disease.⁸ China’s delay in providing critical information to the World Health Organization to stem the spread of COVID-19 has now been widely reported.⁹

5. Claim: “China will prioritize the development of ethnic minorities and ethnic minority areas, respecting and protecting the rights of ethnic minorities.”

Fact: The U.S. State Department reports that Chinese authorities have “arbitrarily detained more than one million Uighurs and other Muslims in extrajudicial internment camps designed to erase religious and ethnic identities.”¹⁰ Likewise in the Tibet Autonomous Region, China uses criminal laws to justify ethnic and religious persecution.¹¹ For example, China imprisoned Tibetan language advocate Tashi Wangchuk for “inciting separatism.”¹²

Human Rights Record

- Imprisons more than 1 million Uighur Muslims in extrajudicial camps in Xinjiang Uighur Autonomous Region (Xinjiang)
- Arbitrary or unlawful killings
- Forced disappearances
- Political prisoners
- Harsh prison conditions
- Arbitrary interference with privacy

⁶ The Costs of International Advocacy, Human Rights Watch (HRW) (September 5, 2017), <https://www.hrw.org/report/2017/09/05/costs-international-advocacy/chinas-interference-united-nations-human-rights>.

⁷ Opening statement and global human rights update, Office of the UN High Commissioner for Human Rights (June 18, 2018), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23206&LangID=E>.

⁸ Alice Su, A doctor was arrested for warning China about the coronavirus Then he dies of it, LA Times (February 6, 2020), <https://www.latimes.com/world-nation/story/2020-02-06/coronavirus-china-xi-li-wenliang>; Barnini Chakraborty, Chinese doctor who first raised the alarm over COVID-19 vanishes, Fox (April 1, 2020), <https://www.foxnews.com/world/chinese-doctor-critics-who-first-raised-the-alarm-over-covid-19-vanishes>; UN Watch Exposes China’s Abuse, Demands W.H.O. Fire Chau Now, UN Watch (May 20, 2020), <https://unwatch.org/un-watch-exposes-chinas-abuse-of-w-h-o-calls-to-fire-chau-now/>.

⁹ China delayed releasing coronavirus info, frustrating WHO, Associated Press (June 3, 2020), <https://apnews.com/3c061794970661042b18d5aeaed9fae>; Isabel Togoh, Report: China Delayed Releasing Vital Coronavirus Information, Forbes (June 2, 2020), <https://www.forbes.com/sites/isabeltogoh/2020/06/02/report-china-delayed-releasing-vital-coronavirus-information-despite-frustration-from-who/#60e351897a40>.

¹⁰ State Department Report on China, *supra* note 4.

¹¹ “Illegal Organizations” China’s Crackdown on Tibetan Social Groups, HRW (July 30, 2018), <https://www.hrw.org/report/2018/07/30/illegal-organizations/chinas-crackdown-tibetan-social-groups>.

¹² The Dark Side of the China Dream: Erasing Ethnic Identity, The Diplomat (August 17, 2018), <https://thediplomat.com/2018/08/the-dark-side-of-the-china-dream-erasing-ethnic-identity/>.

- Lack of independence of judiciary
- Attacks on journalists, lawyers, writers, bloggers, dissidents
- Interference with the rights to freedom of assembly and association
- Severe restrictions on religious freedom
- Coercive birth limitation policy
- Inability of citizens to choose their government
- Corruption
- Official repression of Tibetans and other ethnic and religious minorities

China is an authoritarian one-party political system led by President Xi Jinping who is also the Secretary General of the Chinese Communist Party. No Chinese national leader is freely elected.¹³ In March 2018, President Xi amended the constitution to eliminate presidential term limits, enabling him to rule the country indefinitely.¹⁴

Under President Xi, China brutally silences criticism and dissent through a variety of tactics, including torture, enforced disappearances and arbitrary detention. The Chinese Human Rights Defenders NGO asserts that under President Xi, China has become “the most draconian and invasive since the 1980s.”¹⁵ According to Human Rights Watch, “human rights activists are now enduring their worst persecution since peaceful protesters took to Tiananmen Square and streets across China in 1989.”¹⁶ According to data published by the U.S. Congress, there were nearly 1600 political prisoners in China as of October 10, 2019.¹⁷

Moreover, China arbitrarily detains more than one million ethnic Uighurs and other Muslims in government internment camps in Xinjiang where they are subjected to military-style discipline, political indoctrination, systematic torture and other degrading treatment.¹⁸ Uighur women are also subjected to forced birth control, including sterilization and abortions.¹⁹ The persecution is designed to erase their religious and ethnic identity.²⁰ China also persecutes other religious and ethnic minorities, including Tibetans, Falun Gong practitioners and Jehovah’s witnesses.²¹

Due process violations are rampant in China. They include the excessive use of pretrial detention, lack of access to lawyers and forced confessions.²² In addition, detention facilities

¹³ Freedom in the World 2020: China, supra note 2.

¹⁴ Id.; World Report 2019: China Events of 2018, HRW (2019), <https://www.hrw.org/world-report/2019/country-chapters/china-and-tibet>, [Hereinafter, HRW Report: China].

¹⁵ Defending Rights in a “No Rights Zone”: Annual Report on the Situation of Human Rights Defenders in China 2018, Chinese Human Rights Defenders (February 21, 2019), <https://www.nchrd.org/2019/02/2018-hrd-report/>. [Hereinafter, Defending Rights in a No Rights Zone].

¹⁶ Human Rights Activism in Post-Tiananmen China: A Tale of Brutal Repression and Extraordinary Resilience, HRW (May 30, 2019), <https://www.hrw.org/news/2019/05/30/human-rights-activism-post-tiananmen-china>.

¹⁷ Congressional-Executive Comm’n on China, China: List of Political Prisoners Detained or Imprisoned as of October 10, 2019 (1,598 cases), <https://www.cecc.gov/sites/chinacommission.house.gov/files/documents/CECC%20Pris%20List%2020191010.pdf>.

¹⁸ State Department Report on China, supra note 4; Up to one million detained in China’s Mass “re-education” drive, Amnesty International (September 24, 2018), <https://www.amnesty.org/en/latest/news/2018/09/china-up-to-one-million-detained/>.

¹⁹ China cuts Uighur births with IUDs, abortion, sterilization, Associated Press (June 29, 2020), <https://apnews.com/269b3de1af34e17c1941a514f78d764c>.

²⁰ Up to one million detained in China’s Mass “re-education” drive, supra note 18; <https://thediplomat.com/2018/08/the-dark-side-of-the-china-dream-erasing-ethnic-identity/>.

²¹ Freedom in the World 2020: China, supra note 2; U.S. Department of State, Bureau of Democracy, H.R. and Lab., 2019 Country Reports on Religious Freedom: China (June 10, 2020), <https://www.state.gov/reports/2019-report-on-international-religious-freedom/china/>.

²² Freedom in the World 2020: China, supra note 2; Congressional Report on China 2018, supra note 17 at 30.

in China are known for being overcrowded with poor sanitation and humiliating living conditions.²³

UN Voting Record

Negative: China voted against resolutions in the General Assembly that spoke out for human rights victims in the Islamic Republic of Iran, the Syrian Arab Republic, the Autonomous Republic of Crimea (Ukraine) and Myanmar. China backed human rights abusers through a resolution denying the right to sanction such governments. At the Human Rights Council, China voted against resolutions in support of human rights victims in Belarus.

²³ Id; Defending Rights in a No Rights Zone, supra note 15.