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**WHAT CHINA SAYS,
WHAT CHINA MEANS**

**AND WHAT THIS MEANS
FOR HUMAN RIGHTS**

意思

INTRODUCTION

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GLOSSARY

**AMNESTY
INTERNATIONAL**



INTRODUCTION

China's official attitude towards and interpretation of human rights has shifted noticeably over the past decades, as has its status on the world stage. Involvement of individual Chinese political personalities in the protection of human rights internationally dates back to the creation of the United Nations itself and the Universal Declaration of Human Rights in 1948. However, more recently, China has increasingly challenged international human rights norms, most notably by opposing the universality of human rights as a vestige of “Western liberal thinking” or “Western values” and rejecting human rights as something that transcends national sovereignty and concerns the international community as a whole.

As its economic, political and diplomatic clout has grown, so too have China's attempts to embed its interpretation of human rights into international human rights discourse and at international institutions, such as in human rights resolutions of the UN Human Rights Council.

This glossary aims to explain what China says, what China means, the difference between the two and the risks this poses to human rights around the world. The glossary focuses on the export of “human rights with Chinese characteristics” into international documents. Though vaguely defined, phrases like these have become mantras in Beijing's efforts to redefine human rights norms in favour of China's priorities. The emphasis on state sovereignty, non-interference in internal affairs and economic development as a human right that supersedes all other rights are all things that threaten to weaken the international human rights system, as well as norms of transparency and accountability.

The glossary provides a timeline of China's approach to human rights over the past 70 years since the creation of the United Nations, as well as 10 key phrases that present-day China wants to persuade the world to adopt with implications for human rights.

KEY EVENTS

Founding of the United Nations and the creation of the Universal Declaration of Human Rights

In 1945, China – then the Republic of China – was one of 50 countries to send representatives to San Francisco, where they proceeded to draft the UN Charter and helped pave the way for the creation of the United Nations as we now know it. The inclusion of human rights in the UN Charter – the founding document of the UN that codifies the major principles of international relations – was supported by academics and members of the Chinese delegation, Zhang Junmai (1886–1969) and Luo Longji (1898–1965). The United Nations officially came into existence on 24 October 1945 after its Charter was ratified by China, France, the Soviet Union, the United Kingdom, the United States and a majority of other signatories. In addition to China's role as an original member of the United Nations, it was also deeply involved in the creation of the 1948 Universal Declaration of Human Rights. One of the authors of that landmark text was Chinese academic and diplomat Peng Chun Chang (1892–1957), who also served as vice-chair of the Declaration's eight-person drafting committee.

From this, it is clear that China played an active role in shaping the modern concept of human rights and the legally binding commitment to universal respect for human rights as enshrined in the UN Charter.

Tiananmen Square crackdown and international criticism of China

On the night of 3-4 June 1989, the Chinese military brought about a brutal and bloody end to nearly two months of peaceful protests that had seen tens of thousands gather in Beijing's Tiananmen Square to demand political reform. The military crackdown in the heart of the Chinese capital drew immediate condemnation from around the world as international media broadcast live images of security forces killing hundreds, if not thousands, of protesters – most of whom were unarmed – as they followed orders to retake control of the square.

After “June Fourth”, China became the object of international human rights scrutiny as never before. While European states and the US moved to impose sanctions on Beijing, China reacted defensively to what it claimed to be foreign interference in its internal affairs. Chinese diplomats were forced to counter attempts to pass condemnatory resolutions at the then UN Commission on Human Rights. Eager to put its foreign relations on a better footing, China sought to channel discussion of human rights away from multilateral institutions like the UN and into bilateral dialogues entered into on the basis of “equality and mutual respect”. By 1993, a gradual easing of sanctions paved the way for China to re-enter the international community. But China's leaders came away from this experience further committed to the goal of securing the Chinese Communist Party's political survival. Moreover, China emerged more confident about its ability to defend its interests on the international stage by vocally proclaiming a policy of “non-interference”, which would set the tone for its approach to human rights over the next decades.

The Bangkok and Vienna Declarations

In March 1993, three months before the World Conference on Human Rights was due to begin in Vienna, representatives from 34 Asian countries met in the Thai capital Bangkok to finalize a statement on the region's position on human rights. China played a leading role in formulating the statement, known as the Bangkok Declaration, which qualified the idea that human rights were universal. Instead it stated that human rights should be "considered in the context" and "bearing in mind the significance of" varying national, regional, historical, cultural and religious factors. The declaration promoted a culturally relativistic interpretation of human rights, based on "Asian values" and emphasizing economic and social development as preconditions to progress in human rights. Respect for national sovereignty and non-interference in the internal affairs of states are primary principles of the Bangkok Declaration in a direct challenge to international human rights norms, as well as promotion of human rights by "cooperation and consensus".

At the Vienna conference in June that same year, all participating 171 UN member states adopted by consensus the Vienna Declaration, which confirmed the universality, indivisibility, interrelatedness and interdependence of all human rights as the overarching principle. The Vienna Declaration also confirmed protecting human rights as the priority task of the United Nations, of the United Nations, among other things by recommending the creation of the Office of the UN High Commissioner of Human Rights.

These two declarations, passed on the same year, have come to epitomize competing interpretations of human rights around the world.

China's domestic human rights provisions

With memories of the Tiananmen Square crackdown still fresh in people's minds, China responded to growing pressure from the outside world by publishing its first white paper on human rights in 1991. The 45,000-word document set out the government's long-term view that human rights in China could not be judged against standards and norms in other countries or regions. It also reaffirmed that economic development should be a precondition for the full enjoyment of human rights. In 1997, China signed the International Covenant on Economic, Social and Cultural Rights (China ratified in 2001), and in 1998 it signed the International Covenant on Civil and Political Rights (still not ratified more than 20 years later). China has published 11 more white papers on human rights, and since 2011, the China Society for Human Rights Studies has published an annual "blue book" or report on human rights in the country.

China amended its constitution in March 2004 to include an article (Article 33[3]) declaring that: "The State respects and preserves human rights". The change was largely a symbolic one, given the lack of an independent judiciary in China to rule on whether a law or government decision violates the constitution. Despite these challenges, the early 2000s saw the rise of a national civil rights movement (weiquan yundong), which was spearheaded by human rights lawyers working to defend the rights of Chinese citizens through activism and litigation. This movement was to come under increasing attack after President Xi Jinping's rise to power in 2012.

China in the UN Human Rights Council

In recent years, China has sought to extend its influence in a range of UN and other multilateral institutions. It was among the first countries to be elected for a three-year term at the newly created UN Human Rights Council in 2006 and was subsequently re-elected for the terms beginning in 2010, 2014, 2017 and 2021.

China has used its position on the Council to push its “non-interference” agenda, presenting a false dichotomy between addressing human rights violations – which China dismisses as “naming and shaming” – and “dialogue and cooperation.” China has been increasingly outspoken in its opposition to country-specific resolutions at the Council and the use of the Council to criticize states for their human rights records, and has been particularly sensitive to concerns raised over the situation in China.

China’s efforts to replace the idea of holding states accountable for violations with a commitment to “dialogue” culminated in the Council adopting China’s proposed resolution on “mutually beneficial cooperation”. First tabled in 2018, the resolution stated that constructive dialogue should be used to promote human rights, rather than “naming and shaming” countries for violations. Accountability for human rights violations and constructive dialogue are not mutually exclusive but rather interdependent; dialogue and cooperation are not possible if the facts of the matter are not disclosed.

Xi Jinping's vision for China takes hold

China's efforts to reshape the world order have gathered pace since Xi Jinping became president of China in 2013. Xi's flagship foreign policy enterprise – the Belt and Road Initiative (BRI) – is a powerful example of Beijing's long-term goal to boost its own standing in the world. An ambitious trillion-dollar infrastructure and investment programme linking China to the rest of Asia, as well as Africa and Europe, the BRI not only serves an economic purpose, it has also played a role in Beijing's efforts to export a Chinese model of governance to other countries, including its particular view of human rights. BRI projects are typically negotiated between states, often benefitting elites, without consulting – or mitigating the adverse effects on – the communities and people directly impacted.

Xi made his vision for China even clearer in 2017, when he outlined his plans to turn China into one of the world's most advanced economic and military powers by 2050 in a speech to the Chinese Communist Party's 19th Congress. That same year, "Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era" was enshrined in China's constitution and since then China has sought to introduce language from the political theory bearing Xi's name into UN resolutions.

10 CONCEPTS OR PHRASES

1. “Community of common destiny” or “community of shared future”
2. New “multilateralism”
3. “Mutually beneficial cooperation” or “win-win cooperation”
4. “Constructive international dialogue”
5. “Principle of sovereign equality”
6. “Non-interference in the internal affairs of states”
7. “No strings attached investment”
8. “International human rights cause”
9. “Human rights development path with Chinese characteristics”
10. “People-centred” approach to human rights

1 “Community of common destiny” or “community of shared future”

ORIGIN AND USE



This phrase was first used by Xi Jinping’s predecessor, Hu Jintao, in his report to the 18th Party Congress in 2012, in which he called for awareness of a “community of common destiny” to take root among China’s neighbours. Under Xi, building a community of common destiny has become the overarching objective of Chinese foreign policy – not just regionally, but globally.

The term, a defining aspect of “Xi Jinping Thought”, was written into the Chinese constitution in October 2017. It was also incorporated into a UN Security Council resolution for the first time in March 2017, in a unanimously adopted resolution to renew the UN Assistance Mission in Afghanistan’s mandate for a year.

The phrase appeared again when China hosted a global forum to showcase its own take on human rights in December 2017. The first South-South Human Rights Forum brought together more than 50 mostly developing countries and resulted in the Beijing Declaration. The statement envisaged that “a community with a shared future” would create “a world of lasting peace, universal security, common prosperity, openness, tolerance and cleanness”, so that humanity “is free from fear, from poverty, from disease, from discrimination and from isolation”. While all of these are laudable goals, it is concerning that the definition does not include a world in which human rights are respected, legally protected by a rule-of-law system, fulfilled and promoted.

Instead, the phrase has been consistently pushed by the Chinese government in recent years to project a model that emphasizes economic development, cooperation and, above all, national sovereignty at the expense of individual human rights. It has been repeatedly used in reference to the Belt and Road Initiative, where it has been explicitly linked to prosperity. The phrase as it is used by China today describes a world that operates through mutual cooperation rather than what it claims to be the self-interest of the “old” world order, dominated by Western powers.

IMPLICATIONS FOR HUMAN RIGHTS



The inclusion of this concept in UN documents gives it legitimacy. Every time it appears in a document that has been accepted or condoned by other countries, it offers support for and endorsement of “Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era”. As a phrase coined by the Chinese Communist Party and embedded in the Chinese constitution, it confers unusual authority to a single country and a single party whenever it appears in international texts.

In this reading, development goals risk becoming divorced from and prioritized over human rights and international relations are to be governed by cooperation between states, not mutual accountability of the international community to protect universal human rights. As a result, this new “consensus”, as China calls it, could significantly undermine international human rights diplomacy and effective international human rights protection.

2 New “multilateralism”

ORIGIN AND USE



President Xi Jinping used his January 2021 speech at the World Economic Forum, “Let the Torch of Multilateralism Light Humanity’s Way Forward”, to present his vision of a new form of multilateralism. Addressing the virtual gathering, Xi summarized the UN Charter as containing “the basic and universally recognized norms governing state-to-state relations”. Conspicuously absent was any mention of the Charter’s references to human rights, including in the preamble, where “the peoples of the United Nations ... reaffirm faith in fundamental human rights [and] in the dignity and worth of the human person”.

Instead Xi used the address to reject a model of multilateralism that he characterized as a pretext for acts of unilateralism and an “order given by one or the few”. His vision was of a system of international governance based on consensus rather than “the strong bullying the weak”. He also reinforced his belief in the danger of states “meddling in other countries’ internal affairs”, arguing that the uniqueness of each country’s history, cultural and social system meant that “none is superior to the other”.

The model of “multilateralism” advocated by Xi reflects China’s values and priorities as they relate to human rights. This model privileges national sovereignty and does not accept any outside criticism of the internal affairs of states. It professes a belief that responsibility for respecting, protecting and fulfilling people’s human rights rests with governments as an “internal affair”, with no role for the international community to assess if and how human rights are being upheld or to hold governments accountable for their failure to do so.

At the same time as redefining multilateralism, China has also sought to use existing multilateral institutions, including the UN, to fend off criticism of its human rights record. For example, China scored what it saw as a victory in July 2020 at the UN Human Rights Council, when 53 countries came out in support of its recently passed national security law for Hong Kong, which imposes harsh penalties for political crimes, while a smaller number supported a UK-led statement criticizing the law.

IMPLICATIONS FOR HUMAN RIGHTS



In practice, despite Xi's lofty references to "universally recognized norms", China's version of "multilateralism" is a selective acceptance of international rules and international mechanisms for the enforcement of those rules. It is an attempt to redefine the current global governance system, which is supposed to be rules-based and to respect human rights. Beijing's alternative vision is a system in which countries negotiate issues such as human rights through political and diplomatic channels, instead of following common standards and using agreed international forums.

One clear example of China's selective approach is its general rejection of international judicial dispute mechanisms, such as the jurisdiction of the International Court of Justice (ICJ) or the International Criminal Court. Another is the Chinese government's position challenging the jurisdiction of an arbitration tribunal established under the UN Convention on the Law of the Sea, following a case brought by the Philippines in 2013 against China's assertion of rights in the South China Sea.

By rejecting law-based global governance institutions like the ICJ, China opens the door to a selective application and enforcement of human rights norms, especially in countries in Southeast Asia, Africa and South America, where China is investing in controversial projects in the fossil fuel, transportation and infrastructure sectors.

3

“Mutually beneficial cooperation” or “win-win cooperation”

ORIGIN AND USE



This concept has become a cornerstone of China’s modern foreign policy. It featured prominently during Xi Jinping’s first overseas trip – to Russia – as China’s president in March 2013. Addressing the Moscow State Institute of International Relations, Xi spoke of the need to build a new type of international relations with “win-win cooperation” at its core. The phrase has since appeared in numerous speeches that Xi has made on foreign trips, including his first state visit to the United States in 2015 and in an address to the UN General Assembly the same year.

The phrase has been frequently used in reference to China’s flagship Belt and Road Initiative to emphasize the mutual benefits Beijing sees from its plan for developing the economies of neighbouring and allied countries through enhanced global trade. However, countries accepting the initiative have discovered that the BRI often comes with hidden costs, such as an expectation of political support in exchange for investment.

China’s efforts to persuade UN member states to endorse this concept were eventually rewarded in 2018, when the UN Human Rights Council adopted a resolution China presented on “Promoting mutually beneficial cooperation in the field of human rights” (originally titled “Promoting the international human rights cause through win-win cooperation” before it was amended). Despite a number of questions and reservations about the use of the somewhat ambiguous term by other states during the negotiations, the resolution was passed with a significant majority of the Council’s 47 members in support (28 votes in favour, 17 abstentions and just one vote against).



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IMPLICATIONS FOR HUMAN RIGHTS



China's resolution on “mutually beneficial cooperation” seeks to recast international human rights law as a matter between states. The term suggests the joining of forces by like-minded governments to protect their own interests. Vaguely defined “cooperation” becomes the goal, rather than the means of achieving human rights protection. It is entirely unclear who the “beneficiaries” are, but the resolutions imply that it is the negotiating states, not people affected by human rights violations or by the “mutual cooperation”.

“Mutually beneficial cooperation” further ignores the responsibility of states to protect the rights of individuals and to cooperate with the international system and its mechanisms for the promotion and protection of human rights. It fails to spell out any consequences for countries that refuse to “cooperate”. It treats human rights as a subject for negotiation and compromise and emphasizes “dialogue” over accountability for human rights abuses.

It is a disturbing sign of Beijing's growing influence on the UN human rights system that the “mutually beneficial cooperation” resolutions passed in 2020 and again in 2021 despite intensified international scrutiny over China's treatment of ethnic minorities in Tibet and Xinjiang and its crackdown on protests in Hong Kong in 2019. In fact, shortly after the 2020 resolution was passed, 50 human rights experts issued a joint statement expressing “alarm” over the repression of freedoms in China, while pointing out that the Chinese government has “almost always” rejected criticism of its human rights record and punished activists that cooperate with the UN.

4

“Constructive international dialogue”

ORIGIN AND USE



This is another seemingly innocuous concept that is open to a wide range of interpretations. China referred to this concept in its UN Human Rights Council resolution on “Promoting mutually beneficial cooperation in the field of human rights”, which was again passed in 2021 and reaffirmed that the Council’s work should be guided by the principles of “universality, impartiality, objectivity, non-selectivity, constructive international dialogue and cooperation”.

This language is lifted from the Council’s founding document, UN General Assembly Resolution 60/251, in which it is clear that these principles are key “to enhancing the promotion and protection of all human rights.” In the UNGA’s framing, however, constructive dialogue and cooperation are not an end in themselves, but a means to an end.

Furthermore, in China’s iteration the word “constructive” appears to take on a more loaded meaning, in opposition to so-called “naming and shaming” (that is, identifying and discussing “shameful” human rights violations by a given state rather than sticking to broad principles and themes). In this interpretation, dialogue would not appear to be considered “constructive” if it addresses specific concerns over human rights violations or abuses, or any practices that may damage China’s image.

In fact, the authorities have been quick to suppress information about matters of public interest – for example silencing Li Wenliang, the Chinese doctor who tried to issue a warning about the coronavirus outbreak in late 2019, and was immediately reprimanded by authorities in Wuhan for “spreading rumours” before contracting COVID-19 himself and dying in early 2020.

IMPLICATIONS FOR HUMAN RIGHTS



Credible cooperation and dialogue on human rights require that all actors – not only states but also civil society organizations, human rights defenders, journalists and affected communities – can engage with international human rights mechanisms openly and honestly, without hindrance or fear of reprisals. Addressing, responding to, and contributing to accountability for human rights violations and abuses are a key part of the mandate of the UN Human Rights Council.

Without an international community willing to name, shame and impose penalties on states for violating the rights of people under their control, it would be virtually impossible to hold governments to account for human rights abuses such as those we see in Colombia, Ethiopia, Hungary, Russia, Myanmar, Syria and elsewhere. Instead, the victims of abuses by state forces or large corporations would be forced to pin their hopes on “constructive international dialogue and cooperation” to either end or resolve their plight.

The voices of civil society would be sidelined or silenced for not being “constructive”, and the United Nations would find it even harder to support and defend the voices of its own human rights experts and processes when a powerful member state is under review.

5

“Principle of sovereign equality”

ORIGIN AND USE



According to the principle of sovereign equality, which was written into the UN Charter of 1945, all states are equal before international law no matter the size of their territory, population, economy or military. States are also, in principle, in control over affairs within their borders and are protected against undue interference from the outside.

The principle itself is long-standing and accepted in international law. However, what it means in practice has changed over time and in line with growing international obligations, certainly with regard to human rights.

China has long championed the concept of state sovereignty as fundamental to peace, security and prosperity. Often, this is expressed by Chinese officials as an absolute commitment to “non-interference” in other states’ internal affairs (see below). However, China’s views regarding the rights of sovereign states to be free from foreign interference go well beyond, for example, the prohibition in the UN Charter on the unauthorized use of force or the recognized prohibitions of arming or financing rebel movements. Instead, China routinely characterizes mere commentary on its domestic policies, not to speak of criticism of its human rights record, as an impermissible form of “interference”.

China’s determination to preserve state sovereignty at all costs has translated into its decision not to join the International Criminal Court (ICC). While it is not alone in this respect, it has also declined to join any of the optional protocols creating mechanisms by which individuals could bring a complaint against a state party alleging a violation of rights, and it has consistently opted out of rules allowing for any type of compulsory judicial settlement of a dispute under those core human rights treaties to which it is a member, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention Against Torture (CAT), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Elimination of All Forms of Racial Discrimination (CERD).

IMPLICATIONS FOR HUMAN RIGHTS



The arguments for “non-interference” on the basis of “state sovereignty” are not only dangerous but beside the point when it comes to gross violations of human rights, such as crimes against humanity and other crimes under international law that can trigger heightened scrutiny from outside under international law.

In practice, when the authorities in states like China emphasize this principle today, they do so with the purpose of undermining the value of international rules and institutions in the field of human rights, as well as of achieving de facto immunity from repercussions for themselves and their officials.

This argument for “non-interference” also fails to take into account that what happens within a country’s borders can affect us all – as natural or human-made disasters, the climate crisis and the COVID-19 pandemic have shown. While the concept of sovereignty can seem clear, its application in a highly connected and globalized world is not straightforward.

Mere monitoring of human rights and discussion or criticism of violations – even the adoption of formal statements and resolutions – does not constitute intrusion on state sovereignty or intervention in a country’s internal affairs. Monitoring human rights is a way of ensuring that states meet their human rights obligations to all people within their jurisdictions and under their control. By its nature, human rights monitoring requires investigating the “internal affairs” of states.

UN Secretary-General Antonio Guterres identified the potential for governments to abuse the principle of sovereign equality when he told the UN Human Rights Council on 24 February 2020: “[National] sovereignty cannot be a pretext for violating human rights. We must overcome the false dichotomy between human rights and national sovereignty.” It shouldn’t be either/or.

6

“Non-interference in the internal affairs of states”

ORIGIN AND USE



This principle was laid out in Article 2 of the 1945 UN Charter explicitly for the newly founded organization, which states that nothing in the Charter “shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction”, unless there are serious threats to international peace, breaches of the peace or acts of aggression. The same principle is recognized for the relation between states.

Nine years later, China incorporated this concept into an agreement with India regarding trade with Tibet. The 1954 agreement also introduced the principles of modern-day Chinese foreign policy: “mutual respect for sovereignty and territorial integrity”, “mutual non-aggression”, “non-interference in each other’s internal affairs”, “equality and cooperation for mutual benefit” and “peaceful coexistence”.

The so-called “Five Principles of Peaceful Coexistence” were subsequently written into the preamble of the Chinese constitution and incorporated into treaties between China and many of its Asian neighbours. More recently, President Xi Jinping referred to “no interference in internal affairs” as part of China’s “five no” approach to Africa, in his opening address of the 2018 Beijing Summit of the Forum on China-Africa Cooperation (see also below).

China has relied on the Five Principles to offer a specific vision for the world, one in which the equal sovereignty of all states, large or small, wealthy or developing, in the Global North or the Global South, is paramount. But China has also co-opted the principle of non-interference to reject proposals aimed at improving human rights in the country.

In 2018, China rejected 62 recommendations made by the UN Human Rights Council following the country’s Universal Periodic Review. In doing so, it not only disagreed with the findings of the Council but also criticized the findings as interfering in China’s sovereignty and internal affairs. Most of these recommendations addressed China’s continued use of the death penalty, restrictions on individual freedoms or the subjugation of ethnic minorities in Xinjiang and Tibet.

IMPLICATIONS FOR HUMAN RIGHTS



With its permanent membership on the UN Security Council and its regular seats on other UN bodies, such as the Human Right Council, China is in a powerful position to push its priorities and reject or counter actions that conflict with its “non-interference” objectives.

As well as using the principle of “non-interference” to reject criticism of its own human rights violations, China applies this principle when doing business in other countries. Therefore countries with poor human rights records can be confident that Chinese state-owned enterprises operating in their territory will turn a blind eye to any abuses committed there.

“Non-interference” in the extreme leads to the powerlessness of the international community to improve or even criticize the human rights conditions in any given country. Impunity for human rights violations will flourish if outside attempts to address abuses are dismissed out of hand as “interference in internal affairs”. The international human rights system exists precisely because states often fail in their duty to respect, protect and fulfil human rights and because ending grave violations of human rights is a concern and an obligation of the international community as a whole. People who do not have genuine access to effective domestic systems for redress and accountability must be able to appeal to institutions beyond their government’s control. Institutions that represent international law, like the UN, should be able to step in when governments are failing to protect, or actively violating, the rights of the people under their control.

7

“No strings attached investment”

ORIGIN AND USE



This phrase was used by President Xi Jinping during his first official visit to Africa in 2013. His announcement offering “no strings” aid to African countries was intended to mark a departure from the conditions imposed by Western countries and international lenders, such as the International Monetary Fund and World Bank. “China will continue to offer, as always, necessary assistance to Africa with no political strings attached,” Xi said.

He referred to it again at a major conference on China-Africa cooperation in 2018, where he unveiled China’s “five no” approach to Africa: “no interference in African countries' pursuit of development paths that fit their national conditions; no interference in African countries' internal affairs; no imposition of China’s will on African countries; no attachment of political strings to assistance to Africa; and no seeking of selfish political gains in investment and financing cooperation with Africa”.

These policies have allowed China to provide repressive governments in countries like Sudan and Zimbabwe with much-needed financing with little or no political or human rights considerations.

In reality, China’s aid and development financing do come with strings tied to Beijing’s business interests, such as the Belt and Road Initiative, and foreign policy goals, such as its One China Policy in relation to Taiwan.

IMPLICATIONS FOR HUMAN RIGHTS



Western countries and international lending institutions often impose a number of conditions in exchange for foreign aid, trade deals and loans as an incentive for recipient countries to strengthen human rights, principles of governance, labour laws and other issues relating to the welfare of populations.

Without greater transparency of the investment deals made by China, it is difficult to assess whether the “five nos” is actually followed in practice. Large or multiple loans, particularly to countries that would find it difficult to access funding from other international lenders, create financial dependence that can then be leveraged for political favours, such as support for China’s positions in international forums, countering criticism of China’s human rights record, or an expectation that recipient states self-censor in their remarks on China.

8

“International human rights cause”

ORIGIN AND USE



This phrase was incorporated in the original title of China’s draft resolution presented to the UN Human Rights Council in 2018 on “Promoting the International Human Rights Cause through Win-Win Cooperation”. That wording was so contentious that China ultimately changed it to “Promoting mutually beneficial cooperation in the field of human rights”. Nevertheless, the phrase has since appeared in two white papers China has published in recent years: “Progress in Human Rights over the 40 Years of Reform and Opening Up of China” in 2018 and “Seeking Happiness for People: 70 Years of Progress on Human Rights in China” in 2019.

The phrase also featured in a letter signed by 37 countries in Africa, Asia, the Middle East and Latin America in July 2019, which defended China’s treatment of Uyghurs and other predominantly Muslim ethnic groups in Xinjiang, and praised instead its contribution to the “international human rights cause”. The letter was issued in direct response to 22 mainly European countries that called on China to stop the mass detention of members of ethnic minority groups in Xinjiang.

Yet this phrase is not as straightforward as it seems. “Human rights cause” is, in fact, the English translation of a Chinese expression that is commonly used to refer to “human rights” generally. The lack of a direct, unambiguous translation contributes to the false sense that human rights are abstract and open to interpretation when, in reality, human rights are a clearly defined legal concept and one of the three pillars of the United Nations, alongside development and security.

IMPLICATIONS FOR HUMAN RIGHTS



Categorizing human rights as a “cause”, in the sense of a principle, ideal or goal, detracts from the fact that human rights are a set of well-established and highly developed legal obligations. It almost implies that human rights are open to discretion, in effect something optional for the state to “take up” should it so choose.

The preamble of the UN Charter suggests that human rights are, to some extent, the very *raison d'être* for the UN's existence. Human rights have been enshrined in global, regional and national law and standards. They are protected, implemented and constantly developed by global, regional and national institutions.

The use of the phrase “international human rights cause” risks presenting human rights as a fuzzy concept that has yet to be fully determined and defined, rather than one firmly grounded in international law and increasingly defined over more than 70 years.

9

“Human rights development path with Chinese characteristics”

ORIGIN AND USE



This phrase was notably used by Chinese Foreign Minister Wang Yi in a speech at the opening ceremony of China’s first South-South Human Rights Forum in Beijing in 2017, which drew representatives from more than 50 countries globally. Wang said China’s experience had shown that human rights could be protected in “more than one way”, and he exhorted countries to “find their own models of human rights protection” that took into account “their national conditions and people’s needs”, in what can only be described as a re-awakening of the spirit of the Bangkok Declaration.

“The key factor contributing to China’s remarkable achievements in its human rights endeavours is its firm commitment to a human rights development path with Chinese characteristics,” Wang said. He used the same speech to urge developing countries to protect human rights in their own way and learn from China’s experience to increase their voices in the global human rights governance system.

In this context, “human rights with Chinese characteristics” are presented as privileges that a state can provide or deny its citizens, not fundamental rights enjoyed by all on the basis of their humanity. Such a view leads to “rights” that serve the state first and foremost, not the individual. Despite the inherent dangers of this idea, the concept was embraced in the Beijing Declaration adopted at the end of the forum.

The phrase has since featured in two Chinese white papers: “Progress in Human Rights over the 40 Years of Reform and Opening Up of China” in 2018; and “Seeking Happiness for People: 70 Years of Progress on Human Rights in China” in 2019.

IMPLICATIONS FOR HUMAN RIGHTS



This notion runs counter to the universality and inalienable nature of human rights by suggesting rights will differ from country to country, when the point of international human rights is to provide a common standard for all.

At the same time that China was touting a “human rights development path with Chinese characteristics”, it was facing a barrage of international criticism over certain of its own actions, including its crackdown on human rights lawyers and prominent activists; its arbitrary detention of an estimated one million or more Uyghurs, Kazakhs and other predominantly Muslim individuals in Xinjiang; and its vote against a UN Human Rights Council resolution condemning the systematic and gross violations of human rights in Myanmar, in particular against the Rohingya in Rakhine State.

Furthermore, China has increased its use of censorship and surveillance – and more worryingly still, it has persuaded tech companies and social media platforms to do its bidding. In 2020, teleconferencing company Zoom revealed it had suspended the accounts of human rights activists outside China at the request of the Chinese government and suggested it would block any further meetings that the government considered “illegal”.

All of this points to a “human rights development path with Chinese characteristics” that is littered with human rights abuses and violations.

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“People-centred” approach to human rights

ORIGIN AND USE



China’s 2019 white paper, “Seeking Happiness for People: 70 Years of Progress on Human Rights in China”, refers to “forming a system of human rights with a people-centred approach”. The phrase also appears in UN Human Rights Council resolutions 41/19 and 35/21, which address the “contribution of development to the enjoyment of all human rights”.

Chinese Foreign Minister Wang Yi gave a speech at the UN Human Rights Council on 22 February 2021, setting out “A People-centred Approach for Global Human Rights Progress”. He argued that “the people’s interests are where the human rights cause starts and ends”. However, it is unclear who determines what those interests are, although the implicit answer seems to be the Chinese Communist Party.

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“People” has traditionally been used by China as a political category, that is to say the (class-based) population that the Chinese Communist Party purports to represent. As such, the Chinese government has always been able to define who “the people” are and what “the people” want, need or deserve.

This implies that “people” as defined by states have rights, but “enemies of the people” as defined by states – or persons otherwise somehow deemed not to be part of the collective or conforming to its norms – do not.

It gives economic development and other “group” interests a higher priority than the freedoms of individuals.

Contrary to first impressions, this phrase heavily implies that a “people-centred approach to human rights” is very much led and designed by state authorities – rather than in actual consultation with “the people” – in order to benefit state authorities.

Resolutions calling for countries to realize “people-centred development of the people, by the people and for the people” do not sufficiently recognize the obligations of states under international human rights law to devote all available resources and means to respecting, protecting and fulfilling human rights for all.

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