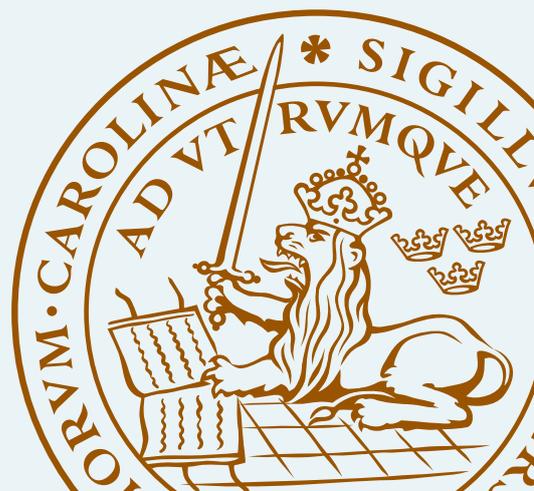


# China and the United Nations Human Rights Council

## Understanding processes of socialization and norm shaping

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## ABSTRACT

How China interacts internationally can affect human rights inside and outside its borders. Therefore, the main purpose of this study was to understand China's interaction with the United Nations Human Rights Council and its member-states. The analysis was constructed on the basis of two processes, socialization and norm shaping. These processes follow the constructivist ontology of agent and structure co-constitution. Hence, in analyzing socialization the concern was placed on how China has been drawn into pro-normative cooperation with the UN human rights regime, by identifying behavioral change through identity and language uses in official HR documents. Regarding norm shaping, attention was given to China's agency and ability to individually and collectively shape the HRC, with a focus on alliance formations and group identification in eliciting China's norm-shaper role. By applying the method of qualitative content analysis to the texts sampled, the main findings of the thesis are that China is actively interacting with the HRC, with evidence of socialization and norm shaping.

## KEYWORDS

Human rights – China – Human Rights Council – Norm-shaper –  
Socialization – Identity – Alliance formations

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I would like to dedicate this thesis to my beloved brother, who left us too soon in life, but who lives forever in my heart and is my greatest source of inspiration.

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## ABBREVIATIONS

CCP Chinese Communist Party

HR human rights

HRC Human Rights Council

HRDs human rights defenders

IOSC Information Office of the State Council of the PRC

ISHR International Service for Human Rights

MGD Millennium Development Goals

NGO non-governmental organization

NHRAP National Human Rights Action Plan

OHCHR Office of the High Commissioner for Human Rights

QCA Qualitative Content Analysis

UN United Nations

UNHRC United Nations Human Rights Council

UPR Universal Periodic Review

## INTRODUCTION

China is facing a critical moment in the promotion and protection of human rights. The crackdown on human rights defenders and lawyers has increased under the Xi Jinping administration and led to the rise of “rule by fear” (Pils 2016). The current situation makes investigating China’s role in human rights (HR) domestically and internationally a crucial task. It is in such context that this thesis aims at advancing the understanding of China’s position on HR in the international realm.

The choice to focus on the international perspective is based on a set of assumptions. First, because the Universal Declaration of Human Rights sets the milestone for HR and is the product of international cooperation. Second, because the direction HR take internationally can have a wide impact on domestic implementation. Third, because international institutions are a place of accountability, offering an imperfect but necessary venue of support to HR everywhere. China’s role within these institutions is, therefore, crucial to HR implementation inside and outside its borders.

This study is concerned with two interrelated processes, socialization and norm shaping. The latter takes into account the active role that China plays within the UN Human Rights Council (HRC) and the country’s increasing ability to shape norms and discussions, mostly through its alliances with developing countries. The former refers to China’s behavior within the HR regime<sup>1</sup>, investigating whether the country has been drawn into the regime or presented a self-defensive behavior. These two processes are found to be suitable in providing answers to the main research purpose of assessing China’s interaction with the UN HRC.

### **China’s participation in the UN HR regime**

The UN HR regime consists of the following bodies: the Human Rights Council<sup>2</sup>, the Office of the High Commissioner for Human Rights, special procedures<sup>3</sup> of the HRC, the

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<sup>1</sup> Krasner defines an international regime as “principles, norms, rules, and decision-making procedures around which actor expectations converge in a given issue-area” (Krasner 1982: 185).

<sup>2</sup> The UNHRC was created in 2006 as a replacement for the Commission on Human Rights (OHCHR 2016a).

<sup>3</sup> In 2015 there were 41 thematic special rapporteurs dealing with a range of issues, from arbitrary detention to minority issues, and freedom of religion or belief, and 14 country mandates (OHCHR 2016b).

HRC complaint procedure, and treaty bodies<sup>4</sup> (PMS 2015: 5). The thesis focuses on the HRC because it is “the principal inter-governmental forum within the United Nations for questions relating to human rights” (ibid). Hence, throughout the thesis I use HRC and (UN) HR regime interchangeably.

The hallmark of China’s engagement in international institutions was its entry into the UN in October 1971, taking over the seat occupied by the government of Taiwan. Thereupon, China has bolstered its participation into the international community by signing and ratifying HR treaties<sup>5</sup>, and adopting and managing the dual roles of responsible major power and developing country (Foot 2000; Johnston 2008). China has also contested norms and advocated for its own interests (Kent 1999; Chen 2010), and balanced international and domestic pressures (Kent 2007; Pils 2016).

Such a complex engagement requires a brief contextualization. China is party to twenty-six international HR instruments<sup>6</sup>. Of the nine core treaties, China is party to six<sup>7</sup>. China is currently a member of the HRC, and Chinese nationals are members of five Committees of treaty bodies<sup>8</sup>. There are no Chinese nationals serving at special procedures (OHCHR 2016b).

One of the HRC’s mechanisms is the Universal Periodic Review (UPR), innovative in that it periodically examines the HR records of each UN member-state, a peer-review mechanism that did not exist in the earlier UN Human Rights Commission (PMS 2015: 11). The UPR is composed of 47 member-states but it monitors all UN member-states.

## **Context and research questions**

China has been subjected to two UPR rounds, in 2009 and in 2013, and of special interest is the second UPR. Prior to the review, a serious incident happened when Cao Shunli, a Chinese activist, was arrested at Beijing airport when preparing to go to Geneva to take part in the UPR session (Kaiman 2014). She had serious health conditions and the lack of

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<sup>4</sup> Treaty bodies are committees of independent experts who monitor the implementation of the nine core HR treaties, currently there are 10 treaty bodies (OHCHR 2016c).

<sup>5</sup> UN Doc. A/HRC/WG.6/17/CHN/2 (2013 : 2).

<sup>6</sup> See Appendix 1 for the list.

<sup>7</sup> See Appendix 2 for the list.

<sup>8</sup> In the CESCR, CERD, CEDAW, CAT, CRPD (OHCHR 2016c).

adequate medical treatment in prison led to her death in March 2014 (Kaiman 2014; HRIC 2014).

Her death was brought to attention during the review process, when the NGO International Service for Human Rights declared it would use part of its time for general comments for a minute of silence in memory of Cao Shunli, and other human rights defenders (HRDs) who had lost their lives. China then made a point of order<sup>9</sup>, asking the HRC President to intervene and prevent NGOs from violating the rules of procedure of the HRC, which allows civil society organizations to make general comments, but not specifically a moment of silence (UN HRC 2014).

After a brief interaction where countries declared their positions in relation to China's point of order, the President announced his decision to present the issue to the HRC Bureau<sup>10</sup>, postponing the ruling on the matter. The Chinese delegation rejected such a decision, requesting an immediate decision to avoid dangerous precedents (ibid). What followed was a voting to decide whether the President's decision was acceptable or not. With 20 votes<sup>11</sup> against the President's decision, China was victorious. This episode raises the question of China's role in the HRC and to what extent the country can shape its norms.

The main research question of this thesis is:

### **How does China interact with the UN Human Rights Council and its member-states?**

In addition, sub questions are:

1. Has China been socialized into the UN human rights regime? If so, what are the evidences of this process?
2. Has China been acting as a norm-shaper in the HRC? If so, how and why does shaping happen?

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<sup>9</sup> Point of order: "In meetings procedure, a question as to whether the present proceedings are in order or whether a particular action by a delegate or a presiding officer follows the rules of procedure" (UNTERM 2014).

<sup>10</sup> The HRC Bureau is responsible for procedural and organizational matters, consisting of a president and four vice-presidents, each representing a UN regional group (PMS 2015).

<sup>11</sup> The complete voting list is found in Appendix 3.

## **Outline of the thesis**

The thesis is divided into four main parts;

The first section covers the literature review, theoretical framework and relevant concepts. It builds on major works in the fields of HR and international relations to establish the research context in a theoretically informed discussion. The second section deals with methodology, explaining the choice for qualitative content analysis. The section accounts for the epistemological approach, research design adopted for each analytical section, and a self-critical appraisal discussing the limitations of the thesis and ethical issues. The third and fourth sections cover the analysis. It is done in two parts to attend the analytical purpose of clearly distinguishing between socialization and norm shaping.

## CHINA AND INTERNATIONAL (HUMAN RIGHTS) INSTITUTIONS

Relevant literature for this thesis originates from the intersection of two fields, HR and international relations. On one hand, the literature review maps major works on China's behavior in international (human rights) institutions. On the other, major constructivist works in international relations that discuss identity, alliance formations, agent-structure relation, and socialization process.

Since the 1990s, a growing number of scholarly work that address China's involvement in and compliance to the international HR regime have appeared. One of the first scholars was Ann Kent (1999), who has discussed China's socialization into the HR regime, pointing to a rather low learning process. Rosemary Foot (2000) has also looked at the dilemmas stemmed by Chinese interaction with the HR regime, with attention to China's identity as a major power and developing country. Wan Ming (2001) has explored China's HR diplomacy, evaluating its learning process as tactical and its behavior as self-defensive. Later, Kent (2002, 2007) expanded her study to analyze China's socialization into and compliance to other international regimes, again concluding that concerning the HR regime, China's behavior has been rather negative. By the same time, Alastair Iain Johnston (2008) developed a study on Chinese engagement with international security institutions, arguing for the existence of socialization by the means of its microprocesses – mimicking, social influence and persuasion. Notably, all these works have stressed the international regimes' pressure on China, or the constraining effects of structure on agent. It was only recently that works began to pay closer attention to China's active role. Titus Chen (2010) observes China's role as a revisionist state, actively shaping the HR regime. Pu Xiaoyu (2012) sheds light on socialization as a two-way process, identifying China as a norm-shaper. Katrin Kinzelbach (2012) is interested in how Chinese statements at the UN contest international HR and its effects on the normative order.

To better explore these works, the literature review is divided in three. First, attention is given to how these authors explain Chinese behavior in the HR regime. Second, how the socialization process has been applied to China's case. Third, how China's role as a norm-shaper is perceived in these relevant works, narrowing the attention to China's role as a representative of the developing countries. Throughout the three thematic blocks, I discuss how I build on these works to develop my analytical framework and what my contribution to the field is.

In order to develop a theoretically informed discussion that updates the status of China's socialization into the HR regime, while acknowledging the country's active role as a norm-shaper, I chose to turn to major constructivist works in international relations. These works provide the conceptual tools to analyze China's active role. Nicholas Onuf (1998) presents a manual of constructivism, with regard to the agent-structure issue. Jeffrey Checkel (1999) is concerned with the lack of constructivist attention to agency; in re-placing agency in the debate, he analyzes post-Cold War Europe. Brian Lai and Dan Reiter (2000) are interested in the reasoning behind international alliance formation, finding that after 1945 states of a similar regime type are more likely to ally with each other. This literature review therefore also introduces the theoretical framework and relevant concepts to be used in the thesis.

### **China's self-defensive behavior**

China's participation in the HR regime has been characterized as self-defensive (Kent 1999: 60; Wan 2001: 6; Kinzelbach 2012: 330). In *Beyond Compliance*, Kent dedicates a chapter to analyze Chinese entry to the International Labor Organization (ILO) and the UN Committee against Torture (CAT). In the process of entering these institutions, China resisted abiding to the core norms and principles of freedom of association and prohibition against torture (Kent 1999: 183). Kent states that norms and principles upheld by the ILO and the CAT were "diametrically opposed to its [China's] national and sovereign interests" (Kent 2007: 183). Consequently, resistance to rules and norms are framed as part of a defensive behavior.

Similarly, sovereignty and non-interference, which have been essential parts of China's discourse, are representative of a defensive stance. Kent argues that sovereignty has been interpreted in a restrictive way since the establishment of the People's Republic of China (ibid: 42). "Sovereignty was understood as comprising internal sovereignty, expressed as the supreme power of the state, and external sovereignty, expressed as the right to independence" (ibid: 42). Wan observes that China stood firm on the principles of sovereignty and non-interference to resist Western pressure (Wan 2001: 6). Kinzelbach confirms this tendency in later study: "the notion of absolute sovereignty continues to be a dominant trend in China's human rights diplomacy today" (Kinzelbach 2013: 167).

China's HR diplomacy also entailed the strong advocacy for economic, social and cultural rights, mainly the rights to development and subsistence. Since the 1990s China

has criticized the emphasis placed on civil and political rights in detriment of other rights (Chen 2010: 29). Kinzelbach notes in her study the notable frequency of references to the right to development in Chinese statements (Kinzelbach 2012: 330). Likewise, texts sampled for this thesis show a regular pattern in the priority given to the right to development.

Noteworthy, while adopting a defensive stance, China makes strategic use of its identity – operating as a major power and developing country (Foot 2000: 254-5). At this point, it is necessary to specify that the concept of identity is best understood in the two ways Johnston (2008) discusses it: normative and instrumental. In normative terms, “an actor’s self-categorization may be internalized enough such that certain behaviors are considered appropriate for its social category” (Johnston 2008: 76). Therefore, if behavior is deemed inconsistent, group opprobrium<sup>12</sup> is elicited, as well as a change of actor’s behavior in face of cognitive discomfort (ibid). In instrumental terms, “since status is bestowed by a group, an actor wishing to accumulate status must first identify with the group such that it recognizes the value attached to particular status markers” (ibid: 76-7). Then action should be consistent with the valued norms of behavior of that specific group (ibid). Identification with a group is, therefore, essential in eliciting cooperative behavior, or a sense of belonging that makes members of that group treat themselves differently than those outside the group (Hemmer and Katzenstein 2000: 587).

China identifies with the developing countries’ group (Kent 2002: 349; Wan 2001: 2-3,8; Foot 2000: 19), a role that it balances with its own fundamental interests (Kent 2002: 349), having successfully raised one of its main self-defensive arguments, on national circumstances, in the 1992 Human Rights Commission session (Kent 1999: 64-5). It stated: “measures aimed at protecting human rights should be decided by each individual country in the light of its history, tradition and level of economic development” (ibid). The national circumstances argument has ever since been fostered by China and developing countries, serving Chinese interests of undermining international critique towards its own HR records. At the same time, China identifies itself as a major responsible power (Johnston 2008: 115; Foot 2000: 254; Kent 2002: 346; Kent 2007: 251).

The strategic use of this dual identity is noticeable in the use of language in official documents. Foot (2000) highlights the relevance of paying careful attention to official

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<sup>12</sup> Opprobrium, or shaming, is the converse of social backpatting, and is derived from violating status-related norms and practices (Johnston 2008: 86).

Chinese political discourse. She claims it to be “a valuable means of gaining insight into the way the core leadership wants policy to be understood and presented. Changes in terminology give insight into policy developments and into the image Chinese leaders want the reader to have of their country” (Foot 2000: 18). For this reason, in the present thesis Chinese behavior in the HR regime will be analyzed in the light of what has been written in official documents, in close relation to identity.

### **Socialization process**

Socialization is commonly studied and applied in a range of social sciences. It is a concept widely used in sociology, anthropology, social psychology and even political science (Johnston 2008: 1). But not only, socialization has gained attention in international relations and world politics, being a topic most prominently discussed by Kent (1999; 2002), Checkel (Klotz et al. 2006), Johnston (2008) and Xiaoyu (2012), just to mention works of relevance to this thesis.

In defining socialization, Xiaoyu states that it is a “process of the diffusion and internalization of norms”, which “helps to uncover the mechanisms and processes of norms dynamics in international politics” (Xiaoyu 2012: 6). Kent also presents a definition, first as the “assumption that states can reassess their interest through experience” (Kent 1999: 5), and later as “the process that is directed toward a state’s internalization of the constitutive beliefs and practices institutionalized in its international environment” (Kent 2002: 344). Checkel defines it as “the process of inducting new actors into the norms, rules, and ways of behavior of a given community. Its end point is internalization, when the community norms and rules are taken for granted” (Klotz et al. 2006: 364). Finally, Johnston provides a detailed analysis of the status of socialization in international relations theory. In short, he argues that socialization entails a change in an actor’s behavior in pro-normative or pro-social ways, and points that scholarly analyses of socialization have usually attached great importance to internalization (Johnston 2008: 22). However, he raises relevant questions, such as the existence of different degrees of internalization and the vast amount of pro-social behavior that is not a product of

internalization<sup>13</sup>, pointing to the relevance of identification with a group in eliciting socialization (Johnston 2008: 22-3).

### **From learner to active player**

With the concept defined, now it is possible to proceed and understand how it has been applied to China's engagement in international organizations. In the literature reviewed, not all authors address socialization directly or phrase their analysis in terms of socialization. However, even when not mentioned, one finds traits of socialization in all works, in their description and analysis of China's interaction with international institutions. This interaction has happened in two stages, from aloof to active (Kent 2002: 345). Both Foot and Kent define China's initial behavior at the UN as that of a learner (Kent 1999; Kent 2007: 49; Kent 2002: 344) or, simply, as passive behavior (Foot 2000: 61). Put differently, China had to learn how to play before having a say on the rules of the game.

Wan also discusses China's learning process in HR, distinguishing between adaptive learning and cognitive learning, and concluding that China only engaged with adaptive learning, meaning it did not internalize the importance of HR; on the contrary, it learned about how to fend off western pressure (Wan 2001: 2). Likewise, Kent concludes that taking part in the UN HR bodies has "led China to become more internationally socialized but that cognitive / normative learning has been offset by its parallel efforts to reshape and reoperationalize their norms and procedures" (Kent 1999: 242). This learning process is intrinsically related to socialization, in the sense that learning may induce pro-normative behavior, be it for tactical or normative reasons.

Noteworthy, pro-normative behavior is the "conformity with the position advocated by a group", where conformity can be either with "what most people in the group do" or "what most people in the group believe should be done" (Johnston 2008: 80). In the HR regime, conformity would be accepting the monitoring role of the HRC, accepting HR principles, complying with procedures and implementing HR domestically. The shortcoming of this approach, however, is in taking the HR regime as a cohesive bloc, thereby excluding the role of agents and the existence of differences in norm taking

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<sup>13</sup> He explains: "If internalization of pro-social values is the hallmark of socialization, and if the other end of the spectrum is behavior motivated by the calculation of material costs and benefits, this leaves a vast amount of pro-social behavior produced by neither process" (Johnston 2008: 22).

by each group and actor. Therefore, in the present work, pro-normative behavior is taken not exactly as conformity with the regime, but with the group identities with which China identifies.

Nevertheless, the literature reviewed has been more attentive to compliance and pro-norm behavior with the regime as a whole. As such, Foot states that “China has been drawn steadily into the discourse on human rights” (Foot 2000: 3). Henceforth, there was a shift in Chinese discourse on HR. Some factors are listed by Foot and Kent to justify China’s enhanced engagement. Foot points to international prestige (Foot 2000: 74), Kent to the enhanced moral status acquired in reward of compliance to the HR regime (Kent 2007: 25). In that sense, in its interaction with the HR regime China seems to be willing to construct a more positive image and looking for international backpatting, a concept used by Johnston.

### **Microprocess of socialization: Social influence**

In his book, Johnston looks at China’s cooperation in major security institutions that had a “potentially constraining effect on its relative power” (Johnston 2008: xiv). From the three microprocesses he applies to explain socialization, only social influence is of interest to the present work. According to Johnston, “social influence refers to a class of microprocesses that elicit pro-normative behavior through the distribution of social rewards and punishments” (ibid: 79). A reward – backpatting - can be a status, the well-being derived from conformity with role expectations, a sense of belonging, and others (ibid). Punishments – opprobrium - can include “shaming, shunning, exclusion and demeaning, or dissonance derived from actions inconsistent with role and identity” (ibid). Identity and identification with a group play a major role in social influence, in that the social group is the one responsible for rewarding and punishing (ibid: 80). Hence, once again, reinforcing the necessity of discussing identity if one seeks to understand behavior, especially the pro-normative kind.

While discussing social influence, Johnston briefly highlights the case of HR. He claims that Chinese behavior within the HR regime did present positive changes from when the Communist Party took power in 1949 to the 2000s (ibid: 142). However, he claims that “although some of the progress could be attributed to reputational considerations (the desire to maintain good economic relations with the United States, for instance), some of the state’s actions were designed to engage, if only to refute, some of

the international normative discourses on human rights” (Johnston 2008: 142). This means that China has aptly learnt to talk the talk of HR and enhanced its capability of putting forward its own interests. Relevantly, Kent (2002: 348) and Johnston (2008: 144) point to the alliances with developing countries as the way China bridges the gap to defend its own interests.

Most relevant is Johnston’s subsequent analysis that such an effort of putting together a coalition of allies reinforces the social influence argument (Johnston 2008: 144). I would add that more than proving the existence of social influence exerted on China, this ability to assemble coalitions reinforces the existence of a two-way socialization process, in the terms outlined by Xiaoyu.

### **The two-way process: Recognizing agency**

China learnt and gained experience throughout the years of interaction, which increased its confidence and its ability to play according to the rules of the game, while putting forward its interests, and, by consequence, that of developing countries too (Chen 2010; Kent 2007; Wan 2001). That is, in participating in the UN HR regime, China can be a norm-shaper (Xiaoyu 2012: 17), a norm entrepreneur (Kinzelbach 2012: 300), have a revisionist agenda (Chen 2010: 29), or adopt a system-reforming approach (Kent 2002: 348). These are all terms pointing in the same direction: China has played - and is playing - an active role in the HR regime. In the present thesis, I adopt the term norm-shaper to refer to China’s active role in shaping the HR regime. The concept is explained next.

Xiaoyu is interested in the impact of emerging powers in normatively changing the world order. He expands the use of socialization as a one-way process to a two-way process, identifying the agency of emerging powers (Xiaoyu 2012: 7). In doing so, he describes China (and other emerging powers) as a norm-shaper. There are four main characteristics of how an emerging power acts as a norm-shaper: challenging the notion of superiority of Western countries; emphasizing sovereignty and independence; using multilateral forums to influence the evolution of international norms; and willing to have a say in defining what kind of norms should be regarded as legitimate (ibid: 17-8). This level of analysis is relevant to this thesis because it allows understanding how China is capable of shaping international debates. Foot also recognizes this agency. She states that “target states are not simply passive, sponge-like, bodies floating downstream in the currents of this environment in an unresisting or uncontested way” (Foot 2000: 13). In

other words, China is not a passive actor and might become a norm-shaper of the HR regime, defining what norms are regarded as legitimate. Additionally, as the literature reviewed has exposed, it certainly has the means to form a supportive coalition of allies.

### **Bringing agency back in**

Studies of China's active role at the UN has its roots in the works of Kent (1999), Wan (2001) and Foot (2000). These authors have highlighted China's ability to block undesired resolutions, avoid Western criticism, and to form coalitions with developing countries. For instance, Kent points to heavy Chinese pressure on experts and governments to steer away from resolutions on China in the early 1990s (Kent 1999: 59). Likewise, Wan explains that only through intensive lobbying and diplomatic pressure China was able to block resolutions on itself (Wan 2001: 114-5).

Despite this early attention to China's active role in the regime, it was not until 2010s that more detailed work appeared, trying to grasp the effects of the closer interaction between China and the HR regime. Thinking China's agency is relevant, not just for the means of understanding what effects it may have in the regime as a whole, but also in "bringing agency back in" (Checkel 1999: 84). Constructivist works have failed in accounting for the fact that "the same norm will have a dramatic constitutive impact in one state, but fail to do so in others" (ibid: 85).

Chen (2010) brings China's agency to light, exposing the country's changing role in three periods of time: (1) contestation (from 1989 to 1997), (2) mutual adaptation (from 1998 to 2005), (3) revisionist (2006-2010). Of interest to the present work is the third period, in which Chen presents evidence of China's ability to shape the HR regime, by actively participating in the creation of the HRC (Chen 2010: 37). China succeeded in introducing some of its priorities in the HRC resolution, mostly regarding membership rules. To illustrate, China succeeded in opposing the initial proposal that only countries without violations records would be eligible for membership, proposing instead that all UN member-states should be eligible (ibid). Hence, Chen's study is relevant to this thesis to the extent it evidences China's actions as a norm-shaper.

Kinzelbach also offers valuable insight of China's active role by analyzing the possibility of Chinese contestation to lead to a new normative order of HR (Kinzelbach 2012). She analyzes China's statements on HR at the UN in the period of 2000-2010 and the engendering of a counter-discourse (ibid: 303). In stating that China's diplomacy

remains self-defensive, she finds that China has succeeded in putting forward the discussion over economic, social and cultural rights, as well as hampered country specific HR monitoring, naming and shaming (Kinzelbach 2012: 331). She further argues that “there is a real possibility that China, in collaboration with like-minded states, rewrites the normative order – even if China’s contestation remains focused primarily on the implication of human rights norms rather than on the norms themselves” (Kinzelbach 2012: 331-2). Kinzelbach’s research is relevant to this thesis in the sense that it sheds light on how to interpret Chinese statements at the UN HR bodies. What is more, like Chen (2010), Kent (1999), Wan (2001) and Foot (2000), Kinzelbach (2012) hints at an important aspect of China’s HR regime participation, its alliances with developing countries.

### **Towards norm shaping: Alliances and group identification**

An alliance is, according to Lai and Reiter (2000: 203), “the primary expression of a state’s foreign policy preferences”. Alliances are also an essential form of international cooperation (ibid), and as such, can have a real effect in shaping international social structural contexts. It all fits in the constructivist ontology, which holds that “continuous interaction between multiple agents over time leads to changing social structural contexts that, in turn, affect how agents define their interests” (Johnston 2008: 13). China’s engagement in the international HR regime, by its own actions and through its alliances, may lead to a change in that social structural context. From a structure-centered perspective, the literature reviewed shows that China’s interests in the issue area of HR has suffered little change as a result of interaction, but that its behavior has changed due to its self-assigned role as a learner (Kent 1999; Kent 2007; Foot 2000; Wan 2001; Kinzelbach 2012). From an agent-centered perspective, Chen (2010), Xiaoyu (2012) and Kinzelbach (2012) have pointed the ways through which China has been reshaping the HR regime by playing an active role.

Within this debate, the present thesis aims at building its contribution to the researches that are ‘bringing agency back in’. It does so relying on a constructivist theoretical framework, so to say, thinking the agent-structure issue as a continuous two-way process (Onuf 1998: 59). Opening the black box of this process, from an agent perspective, it is noticeable the relevance played by identity and alliance formation in enabling norm shaping action. Some theoretical notions are necessary to clarify the

matter. First, “agents use whatever means are available to them to achieve their goals” (Onuf 1998: 64). Second, “agents are usually aware enough of their identities, singular and collective, to have an interest in fostering these identities” (ibid). Third, agents are resources available for agents’ use (ibid). Linking it to the thesis topic, China is aware of its identities and fosters them strategically, using all available means to shape the HR regime. That includes, intensive diplomacy, lobbying, and alliances with developing countries, which are representative of how agents can serve as resources for agency. Kent (1999), Wan (2001) and Chen (2010) have covered diplomacy and lobbying tactics, but alliances need further study.

Thereby, studies like that of Hemmer and Katzenstein (2002), and Lai and Reiter (2000), provide a structured basis to think China’s role as a norm-shaper as enabled by group identification and also as an enabler of group identification. China gives a voice to developing countries and has its own voice strengthened by these alliances. Lai and Reiter (2000: 223) show that two countries of a similar regime type are more likely to become allies, but not only. Common culture, learning<sup>14</sup>, common threat and antagonism, and geographical proximity also increase the likeliness of alliances (Lai and Reiter 2000: 223). Furthermore, the authors stress the voluntary participation characteristic of alliances, hence, that it should be in a state’s interest to be party to it (ibid: 205). Hemmer and Katzenstein show that identity played an essential role in shaping the relations between the US and Europe – which engendered NATO -, and the US and Southeast Asian countries – restrained to bilateral relations due to a lack of identification, among other factors (Hemmer and Katzenstein 2002). The authors point to the high demand on international cooperation in multilateral settings, that states will chose partners they trust, hence, partners with whom they share identity and interests (ibid: 577; 588).

The notions on alliance and identification raised by these authors clarify the analytical aims of the present thesis. In short, they provide tools to better understand the relevance of alliance formation, identity and group identification in enabling China’s role as a norm-shaper.

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<sup>14</sup> “Learning theory proposes that states make foreign policy choices on the basis of their past experiences” (Lai and Reiter 2000: 211).

## **METHODOLOGY**

This section outlines the methodological aspects of the present thesis. Since conducting a qualitative content analysis (QCA), it is necessary to provide an informative and clear explanation of how this method is the most suitable for the analysis and how the task was conducted. Primarily, content analysis is defined by Klaus Krippendorff as a “systematic reading of a body of texts, images, and symbolic matter” (Krippendorff 2004: 3). For this thesis, since the main source of empirical data are texts, a systematic reading of these documents is the coherent approach to extract meaningful answers to the research questions. The choice for a qualitative approach is due to its far-reaching ability of analyzing texts beyond their manifest content, by grasping contextual information and latent content, while also being attentive to analyzing formal aspects (Drisko and Maschi 2015: 85). Such an approach endorses and facilitates the task of fully explicating the meaning of texts.

### **Qualitative Content Analysis and Epistemological Approach**

Considering the analytical purposes of this thesis, adopting a QCA is appropriate in that it allows grasping the holistic qualities of texts (Krippendorff 2004: 88). In opposition to a quantitative approach, which would reduce the analysis’ ability to capture the complexity of China’s official documents, QCA avoids reducing the content analysis to numerical counting and expands the latent content - defined as the “symbolism underlying the physically present data” (ibid: 61) - in light of the analytical context and researcher’s knowledge. A key assumption is that a “written text is not just a collection of words; rather, it is sequenced discourse, a network of narratives that can be read variously” (ibid: 63). That is, the researcher acknowledges her role and that of her peers in reading texts from different perspectives and extracting meaningful answers for various questions, which contributes to the enrichment of an area of study.

In this regard, as Drisko and Maschi put it, a QCA may be linked to a constructivist epistemology (Drisko and Maschi 2015: 84). Krippendorff also points to this linkage, stating that the researchers’ reflexive involvement “manifest itself in the awareness that it is content analysts who construct contexts for their analysis, acknowledging the worlds of others, in the pursuit of their own research questions and in the adoption of analytical constructs based on available literature or prior knowledge about the contexts of given

texts” (Krippendorff 2004: 89). In looking for answers to the research questions, I rely on previous literature and my own academic background to contextualize the texts sampled and, thereon, build my own contribution to the study of HR in China. Hence, a constructivist epistemology is suitable and ethical, for it places my work as a contribution to advancing and updating the field of research, while acknowledging the limits of it.

## **Research design**

### **Texts sampling**

The starting point of the research was the observation of texts – understood in its broad sense, as printed matters, recorded speech, visual communication, works of art, artifacts (Krippendorff 2004: 21). In this thesis, texts take two forms, written documents and webcast archives. These texts were selected through an iterative sampling (Drisko and Maschi 2015: 100), which means the initial sampling plan was revised based on the results of preliminary data collection and data analysis, so further sampling decisions were guided by newly discovered information (ibid).

The initial sampling plan was composed by official documents and videos compiled for the two sessions of China’s UPR. Altogether, there were eight official documents and five videos, found available at the UN OHCHR official website. Preliminary data analysis and literature review exposed that consistent answers to the research questions would be better achieved with the addition of a few more documents. Those are: China’s 1991 White Paper on HR, the White Paper on China’s HR progress in 2014, the National Human Rights Action Plan for 2009-2010, the National Human Rights Action Plan for 2012-2015, and statements written by countries for the interactive dialogue at the UPR.

The initial choice for the UPR documents and videos was the observed clash of ideas between China and Western countries on how civil society organizations should use their time during the UPR session, as explained in the introduction. In these documents and videos, I sought to identify manifest and latent content that could put in evidence the means through which China was shaping the HR regime. The research then entered the hermeneutic circle (Krippendorff 2004:87-8). That is, when researchers proceed by “using known literature to contextualize the readings of given texts, rearticulating the meanings of those texts in view of the assumed contexts, and allowing research questions

and answers to arise together in the course of their involvement with the given texts” (Krippendorff 2004: 87-8). To explain, throughout the research process it became clear that understanding China’s role as a norm-shaper of the HR regime is closely linked to understanding China’s socialization into it. Therefore, I reassessed the sampling to add documents that could support the analysis of China’s socialization process.

### **Context**

The documents were selected in accordance to the context in which the initial documents were put, to maintain linearity and coherence, and to enable comparison. To clarify, only official documents produced in English, on the matter of HR, and accessible to a broad international community, were selected. Texts were selected in this context acknowledging their intrinsic bias and also because of their bias. Official documents on HR produced to an international audience are relevant sources of how a country wants to be perceived, revealing what image it is seeking (Foot 2000: 18). Texts related to China’s UPR sessions were used in both parts of the analysis, and other documents were used in accordance to their relevance to the analysis. All these documents include potentially disconfirming evidence, which is presented in the analysis, which is necessary for a rigorous research (Drisko and Maschi 2015: 97).

### **Socialization process: Categories and analytical procedures**

In elaborating categories, the reasonable choice for analyzing the socialization process was to build on the categories already created by Kinzelbach in her study of China’s contestation of international HR (Kinzelbach 2012). By aligning the data language, the analyses become comparable, which generates a better contribution to existing knowledge (Krippendorff 2004: 351). Kinzelbach developed four categories, capturing statements on the validity of HR norms (validity); on the UN’s monitoring of HR compliance (monitoring); on the relationship between sovereignty and HR (sovereignty); and on the interaction of civil and political rights with economic, social and cultural rights (rights) (Kinzelbach 2012: 305).

Providing that socialization entails behavioral change, I analyze these categories in relation to two forms of behavior in international institutions. First, self-defensive behavior and, second, pro-normative behavior. The choice for these forms of behavior

draws back into previous literature, in which Kinzelbach (2012), Wan (2000) and Kent (1999) have identified China’s self-defensive diplomacy in varied international institutions, while Johnston (2008) identified evidence of China’s pro-normative behavior in arms control institutions.

In reducing the material, I decided to focus the analysis of the four categories in the light of two variables, identity and language. To clarify, when interpreting and analyzing the official documents I focused on statements that referred to the four categories established by Kinzelbach, and evaluated change or continuity only in terms of language and identity, as presented in table 1. The choice for focusing on language is due to the fact that, as Johnston argues, “some of the richest behavioral data” can be found in statements, votes and behind-the-scenes interaction (ibid: xxii). Thereby, changes in language can help understanding changes in behavior. Similarly, the choice for identity is based on the fact that China’s dual identity – major power and developing country - allows the country to enjoy a special space of maneuvering in international institutions, relying on appropriate behavior of one or the other group. As Foot observes, “China operates with both great-power and a developing-country identity, emphasizing one or the other at particular strategic moments” (Foot 2000: 254-5). Therefore, identity is also relevant in defining China’s behavior at the HR regime.

<b>Variables</b>	<b>Categories</b>	<b>Self-defensive behavior</b>	<b>Pro-normative behavior</b>
<b>Language and Identity</b>	Validity	Argues for national circumstances	Accepts universalism and universal applicability of rights
	Monitoring	Refutes procedures	Procedural compliance
	Sovereignty	Defends sovereignty and non-interference as legal principles	Argues for mutual respect
	Rights	Primacy of economic, social and cultural rights (specifically the right to development and subsistence)	Accepts the indivisibility of rights

Table 1: Expected behavior according to language and identity variables.

The content analysis explores whether China’s behavior has been self-defensive or pro-normative in the dataset. Interpretation of Chinese statements’ language and

identity frames was made in accordance to the four categories and the two types of behavior. The eight characteristics captured in the table function as standards of expected behavior. For establishing what a self-defensive behavior is, Kinzelbach's assessment of Chinese statements were summarized in the table. For establishing what pro-normative behavior is, besides relying on Johnston's definition, I juxtaposed it to self-defensive behavior. To explain, when an actor is sensitive to backpatting and opprobrium signals, its behavior is expected to lean towards what is deemed appropriate, which incurs in a social reward (Johnston 2008: xxv). For this reason, if China is to express a pro-normative behavior in the HR regime, its actions would have to be diametrically opposed to what constitutes a self-defensive behavior, in that the latter would produce undesired international opprobrium.

Importantly, behavior is just the final outcome and although relevant, it is not enough to prove effective socialization or to explain how socialization happened. As Johnston states, a common flaw in constructivist studies of socialization is that "causal processes by which systemic normative structures affect behavior are mostly assumed, rather than shown" (ibid: 17). Acknowledging the processes by which socialization happens clarify the asymmetrical characteristic of the process, which renders participation in international institutions heterogeneous. Under these circumstances, it is extremely pertinent to investigate the microprocesses through which China might have been socialized into the international HR regime.

### **Norm shaping process: Categories and analytical procedures**

For the second analytical part, texts were analyzed in search for patterns in the comments and recommendations made by other countries to China. Henceforth, the dataset was divided in three main categories that distinguish the behavior of other countries towards China: countries that criticize China's behavior and make recommendations on sensitive topics<sup>15</sup> (critical); countries that make mild comments and recommend on less sensitive topics<sup>16</sup> (moderate); and countries that openly praise China's behavior, refraining from or making recommendations on less sensitive topics (appreciative). Throughout the analysis, focus is kept on the third group, as the main hypothesis is that countries belonging to the

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<sup>15</sup> Death penalty, arbitrary detention, HRDs, freedom of religion, freedom of expression, and the like.

<sup>16</sup> Right to education, women's rights, children's rights, right to development, poverty alleviation, and the like.



distinct domains, from particulars of one kind to particulars of another kind” (Krippendorff 2004: 36). The author gives several examples of this kind of inference, one of which: “one might infer the problems of a city from the concerns expressed in letters written to the city’s mayor’s office” (ibid: 37). To put it differently, content analysts have to “draw inferences about phenomena that are not directly observable” (ibid: 38). Thus, one might infer China’s role as a norm-shaper on the HRC from the comments and recommendations of other countries.

In making such an inference it is necessary to establish rules of inference, a set of if-then statements that form the analytical construct (ibid: 35). Krippendorff explains that an analytical construct is the way to “operationalize what the content analyst knows about the context, specifically the network of correlations that are assumed to explain how available texts are connected to the possible answers to the analyst’s questions” (ibid: 35). There are two if-then statements central to this analysis: (1) if China is actively involved in negotiating institutional frameworks, then it is normatively shaping the HRC; (2) if a country supports China by (a) appreciating its HR records, (b) defending it from critics, (c) asking to share best practices, and (d) voting with China, then there is a real possibility that, through these alliances, China is reshaping the HRC. Taking these statements as point of departure, we shed light on how China shapes the UN HR regime, by detailing two possible processes through which it happens. One process is individual, when China itself actively engages in shaping the UN HR regime. The other is collective, when China and its allies reshape the UN HR regime.

Both processes are outlined in the analysis section, but the interest is concentrated in the second one, since it amounts to the intended contribution of this thesis. That is, even though relevant, the first process has been delineated in the work of Titus Chen (2010), with a wider dataset than that of the present thesis. The second process, however, has been underexplored and its study is manageable with the documents sampled. Furthermore, since dealing with a multilateral forum, understanding the effects of collective action or alliance formation among developing countries, with China as its representative, can offer relevant insights in the evolving relation between agent and structure, a major constructivist concern (Onuf 1998: 59).

Important to realize, when talking about the co-constitution between agent and structure (Checkel 1999; Klotz et al. 2006), is that “empirical constructivists have utilized a largely structure-centered ontology, where structures (typically norms) provide agents (states or individual/groups within them) with new understandings of their interests”

(Checkel 1999: 85). Hence, downplaying agents' agency (Johnston 2008: 16; Checkel 1999: 85; Xiaoyu 2012: 7). With this in mind, adopting an analytical construct that offers insight into the processes of norm shaping by states is rather relevant. In this regard, one clarification is required. Why attributing the role of norm-shaper to China and not to the developing states group? What is special about China in the shaping of the HR regime? The first answer lies within the literature reviewed; China is often portrayed as the representative of the interests of developing countries (Foot 2000; Kent 2002; Kinzelbach 2012). Second, due to China's dual identity, the country is a special case within the developing countries groups, enjoying leverage in the major countries negotiating table. China's prominence and dual identity make it a most probable norm-shaper among the developing countries group, so its role has to be further studied.

### **Ethical considerations**

This thesis follows the ethical guidelines and good research practices as formulated by Alan Bryman (2012). In this regard, the present study does not incur in any kind of ethical issue. Data collection neither include interviews nor field study, thereby avoiding usual ethical issues faced by researchers who employ these methods. I limited sampled texts to those available at United Nations open and official database, adequate to my research purpose of investigating manifest and latent content of texts with the support from relevant theoretical data.

### **Limitations and self-critical appraisal**

When doing academic research, it is part of a rigorous work to acknowledge limitations and to be self-reflexive. The first limitation of the present thesis is the size of the dataset. While a small sample allows an in-depth analysis of texts and a reassessment of earlier interpretations in light of later readings, therefore paying close attention to the holistic qualities of texts (Krippendorff 2004: 88), it also limits the replicability and generalization aspects of the analysis. In an effort to overcome the issue of replicability, the categories created by Kinzelbach, as well as her findings, were used to align the analysis with already existent data language. However, generalization is a remaining limitation of the present work, and, to some extent, not even a desirable aspect. That is,

the behavior of a country differs from one issue area to another; China's socialization into arms institutions was surely different from its socialization into HR institutions.

Furthermore, since the focus of the thesis relies solely on the international dimension of HR, the domestic dimension is not discussed, even though its relevance is recognized. This absence limits the analytical reach of the thesis; however, at the same time, it is a leeway for further research. In addition, another limitation is the lack of access to primary sources in Chinese, due to the author's lack of knowledge of the Chinese language. This factor was also a strong influence in the choice of text samples; preference was given to texts in English to allow a thorough understanding and interpretation of texts by the author.

Regarding the choice for qualitative content analysis in detriment of other qualitative research methods, like discourse analysis, it should be said that the choice was made upon the focus of each method. As Drisko and Maschi point out, the focus of discourse analysis "is on the elements and forms of speech, in contrast to the focus on meaning in content analysis" (Drisko and Maschi 2015: 82). Both methods have their qualities and a discourse analysis of the dataset could also provide insightful information, which could be done in future research.

Despite all limitations, the present work offers an important contribution to the field of research to the extent it updates the study of China's interaction within the HR regime, problematizing its socialization into the UN HR regime as well as the possibility of its norm shaping ability, which might have positive and negative effects on the development of international HR. Likewise, in the light of recent deterioration of China's HR situation, with the crackdown on HRDs and lawyers, the surmounting of censorship laws and the escalation of rule by fear under Xi Jinping's administration, it is of utmost necessity to develop more research on this issue.

## **CHINA'S SOCIALIZATION INTO THE UN HUMAN RIGHTS REGIME**

In the literature review section, earlier works on the socialization of China in the UN HR regime has been presented. Throughout the following section, the topic is further developed and analyzed looking at other types of documents. The main findings of this section are that China's behavior has been both self-defensive and pro-normative. The findings therefore dispute a general assumption that China only learnt to fend off Western criticism (Wan 2001; Kent 1999; Kent 2002; Kinzelbach 2012) and acknowledge the existence of some extent of socialization.

### **Analyzing Chinese official documents: Actors, ideology, strategies and audiences**

The making of official documents follows an elaborated plan; governments tailor them to address its intended audience. Hence, it is necessary to point out who produces such documents. The Information Office of the State Council (IOSC), or China's Cabinet, is responsible for writing the white papers. Since 1991 it has published eleven white papers on the progress in China's HR. The IOSC is also responsible for having formulated the two existent National Human Rights Action Plans (NHRAPs). The Ministry of Foreign Affairs compiled the two UPR national reports with the support from representatives of nearly 30 legislative, judicial and administrative government organs, 20 NGOs<sup>17</sup> and academic institutions, and inputs from general public via the website of the Ministry of Foreign Affairs<sup>18</sup>. This information is crucial and cautions us when analyzing the documents, as they are carefully produced texts, not the translation of words into domestic policies. However, even if the discourse resonance with domestic reality is imperfect, the change in the discourse produced to the international audience can tell us a lot about how China has appropriated and accepted the HR regime, and therefore, socialized with international norms.

A systematic review of the documents shows that China has generally adopted a developing country identity in HR. All documents have a variation of the following sentence "it should be remembered that China remains a developing country" (State Council 2009). Only the white paper on HR progress in 2014 does not refer to China's

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<sup>17</sup> These include the All-China Federation of Trade Unions, the All-China Women's Federation, the China NGO Network for International Exchanges, All-China Lawyers Association, Red Cross Society of China and other government oriented NGOs.

<sup>18</sup> UN Doc. A/HRC/WG.6/17/CHN/1 (2013: 2).

developing country status. In general, the continuous identification with developing countries has been an instrumental strategy of China to gather support from these countries and is an essential characteristic of the way it has been willing to be perceived by others in the HR regime. Even so, there is a duality in China's identity. While claiming to be a developing country, China has also adopted the identity of a responsible major power (Foot 2000: 12). When evocating the argument of national circumstances, China wears the developing country hat. When adhering to core treaties and behaving pro-normatively, China wears the responsible major power hat. Each identity yields a different type of behavior. In the following, major HR documents will be analyzed in order to show changes over time in terms of identity and language uses.

### **The 1991 White Paper: The self-defensive developing country**

The 1991 white paper is a depiction of China's developing country identity. First and notably, the document was made with the purpose of responding to foreign criticism in the aftermath of 1989, and in doing so, adopts a constantly observable defensive tone by claiming the identity of a developing country that suffered from foreign interference. Statements on validity, in several opportunities, rely heavily on the argument of historical conditions, national reality and experiences. Likewise, in statements on monitoring, it openly refutes intervention and claims active participation in the UN activities (State Council 1991: 44). On sovereignty, it directly criticizes hegemons, foreign aggressions, and interventions, highlighting that China opposes "any country interfering in internal affairs of other countries on the pretext of HR, the internal affairs of developing countries in particular" (ibid: 46). On rights, it emphasizes the right to subsistence and development, an argument that reinforces the identification with other developing countries, as expressed in the following example: "priority should be given to the safeguarding of the right of the people of developing countries to subsistence and development" (ibid: 43). As a result, the 1991 white paper is the most self-defensive of the documents sampled, having statements of the four categories falling under the self-defensive behavior.

## **UPR Reports: Behavioral change and a responsible power position**

The 1991 White Paper pattern of pure self-defensive behavior is not evident in later documents China has published on HR. Remarkably, shifts occurred in all of the four statements' categories, however, just enough to accommodate China's dual identity. Statements on national circumstances are a strong presence in all documents, which is an important argument for China's developing country identity. Even so, these statements are sharing more and more space with claims on the respect of the universality<sup>19</sup>, which is appropriate for China's responsible major power identity.

On the monitoring category, it is necessary to extrapolate direct observable evidence of statements and extract meaning from what they represent in the bigger picture, therefore attending to QCA's inferential nature (Krippendorff 2004: 38). To explain, while the 1991 white paper was a response to criticism, later documents are the result of increased procedural compliance. China has considerably increased its procedural compliance with UN bodies over the years, with the UPR participation being the epitome case. It is relevant to notice that, prior to the UPR mechanism, China was reluctant in accepting the monitoring role of the Human Rights Commission, opposing the selective approach of country-specific mandates, which mostly targeted developing countries (Kinzelbach 2012: 312-4). In 2005, Canada suggested the creation of a mechanism to review periodically the records of all member countries, and Kofi Annan, former UN Secretary-General, elaborated on the matter in the same year<sup>20</sup>. Then, in 2006, the UPR was created and China "acknowledged that the UPR respected the principles of objectivity, universality, equity and non-selectivity" (ibid). Thereon, China was driven into more procedural compliance, along with intense international scrutiny, criticism and periodical shaming. That is, the UPR bears opprobrium costs, but China is yet part of it. After years seeking to limit the use of and criticizing the selectivity of the mandates targeting developing countries, China was disarmed with the UPR proposition. Its arguments lost force and China had to put up with international scrutiny itself.

The question is why China would cooperate in this case. Applying Johnston's approach to socialization and its microprocesses, social influence provides relevant insights. Johnston states that conformity with the position advocated by a group is the

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<sup>19</sup> UN Doc. A/HRC/WG.6/4/CHN/1 (2009: 5); UN Doc. A/HRC/WG.6/17/CHN/1 (2013: 2); (State Council 2009: 2-3; State Council 2012: 2; State Council 2015: 2).

<sup>20</sup> UN Doc. A/HRC/2/SR.21, para. 1; UN Doc. A/59/2005/Add.1, para. 6-8.

successful effect of social influence, and that social influence has its own microprocesses inducing cooperation. One of the possibilities he lists comes from consistency theory, based on the principle that “people are loathe to appear inconsistent with prior behavior or publicly affirmed beliefs” (Johnston 2008: 81). This tendency generates a powerful compulsion to be consistent, leading to conformity to the group and behaviors of commitment (ibid: 82). Furthermore, “these behaviors even if relatively minor, establish a baseline or threshold identity such that behaviors that diverge from these identity markers are discomforting inconsistencies” (ibid). Notably, China succeeded in avoiding international scrutiny by making statements under its developing country identity, so to say, by criticizing the bias of country-mandates (Kinzelbach, 2012). Nonetheless, when Canada proposed a mechanism that overcame selectivity, China had to be consistent with its publicly affirmed beliefs and cooperate with the UPR, something that also was expected from a responsible major power.

From a different perspective, if China, as a “champion of the developing countries” (Foot 2000: 19), had not put so much effort in limiting country-specific mandates, maybe there would be no necessity to come up with a mechanism abiding to the principle of equity, and countries with so-called good reputation in HR would not be exposed to international scrutiny. The exchange of ideas created the necessary conditions to strengthen the HR regime, so to say, actors’ interaction and trade-off allowed for the creation of the UPR. Either way, this is probably one of the clearest evidences of pro-normative behavior and socialization.

### **National reports, action plans and recent white papers: Balancing a dual identity**

The national reports, action plans and later white papers are more pro-normative when compared with the 1991 document. They focus on China’s achievements and active role in protecting rights; make affirmative statements instead of defensive ones, but also make vague statements<sup>21</sup>. Johnston argues that a shift to conformist behavior may be due to a desire to benefit from status of membership, which is the case for China (Johnston 2008: 22).

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<sup>21</sup> Human Rights Watch criticized the principle of practicality, used in the second NHRAP, “a vague term designed to allow the government to sidestep obligations deemed impractical” (UN Doc. A/HRC/WG.6/17/CHN/3 2013: 2).

Action plans, for instance, payed off for China because of the backpatting benefit, “incurred from being seen as a cooperator or an active pro-social member of a group” (Johnston 2008: 91). Their implementation was received with appraisal during the reviews<sup>22</sup>. What is more, backpatting and opprobrium are “uniquely social inducements to cooperation” (ibid: 93), that is, they only make sense and have impact within a social group. During the reviews, when China was backpatted by other delegations for elaborating its national plans<sup>23</sup>, and when it was backpatted for alleviating poverty<sup>24</sup>, it was induced to cooperate.

Significantly, China acknowledges the positive effects of pro-normative behavior. Otherwise, it would not have produced eleven white papers on China’s progress in HR, in English for an international audience. The 2014 white paper is particularly skillful in boosting China’s performance in HR as a responsible major power. In the preface one reads: “the tremendous achievements China has made in its human rights endeavors fully demonstrate that it is taking the correct path of human rights development that suits its national conditions” (State Council 2015: 2). Then, it presents all kinds of impressive numbers to argue for the progress in China’s HR, for instance, concerning the second UPR: “with an open mind and in a serious manner, China accepted 204 recommendations, or 81 percent, raised by other countries during the review, which received worldwide praise” (ibid: 20).

Concomitantly, more and more terms and sentences promoting developing countries’ necessities were introduced. For instance, the 2009 national report states that “China was the *first developing country* to eliminate smallpox”<sup>25</sup>. By the same token, the 2013 national report has two detailed paragraphs on bilateral exchanges and cooperation on HR, describing China’s endeavors to provide technical and economic assistance to other developing countries with financial difficulties<sup>26</sup>. Likewise, the white paper referent to progress in 2014 affirms that, during UN sessions, China “brought all member states’ attention to the reasonable assertions of developing countries” (State Council 2015: 20).

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<sup>22</sup> By Singapore, The Netherlands, Algeria, Vietnam, India, New Zealand and Italy in the first session (UN Doc. A/HRC/11/25 2009). Maldives, Palestine, Indonesia, Sierra Leone and Ukraine in the second session (UN Doc. A/HRC/25/5 2013).

<sup>23</sup> By Afghanistan, Sri Lanka, Azerbaijan, Argentina, Benin, Bhutan, Mexico, Estonia, India, Indonesia, Kenya, Botswana, Nicaragua, Niger, Qatar, Romania, Uruguay, Uzbekistan (UN Doc. A/HRC/25/5 2013).

<sup>24</sup> Philippines, Bhutan, Cuba, Ghana, Angola, Vietnam, India, Zimbabwe, Latvia, Czech Republic, New Zealand, Venezuela, Senegal, Thailand, Brazil and Malaysia in the first session (UN Doc. A/HRC/11/25 2009). Cambodia, Chile, Costa Rica, Côte d’Ivoire, Ethiopia, Mozambique, Thailand, Eritrea, and South Africa in the second session (UN Doc. A/HRC/25/5 2013).

<sup>25</sup> UN Doc. A/HRC/11/25 (2009: 12). Emphasis by the author.

<sup>26</sup> UN Doc. A/HRC/25/5 (2013: 18).

Finally, the cooperation with developing countries is also mentioned in the second action plan (State Council 2012: 23).

Shifts in sovereignty and rights categories are best observed under the language theme; even so, their relation with identity is also recognizable. Sovereignty and non-interference are kept as arguments in the documents sampled, despite being concealed in the expression of mutual respect<sup>27</sup>, which gives the opportunity to all kinds of interpretations. Nevertheless, one could not expect from any country the denial of the importance of sovereignty. The shift to mutual respect is relevant to the extent it is a more constructive (and a more pro-normative) way of addressing the matter than stating: “interference must be eliminated” (State Council 1991: 46). In other words, the shift upholds the responsible major power identity, while putting forward an argument of relevance to developing countries. In the case of rights’ statements, change is also more representative and observable in terms of a language shift. Nevertheless, that the primacy of the rights to development and subsistence is still present in all documents is not unexpected. This is the flagship of China for its developing country identity; it is the catalyzer of support from developing countries.

In short, as the analysis reveals, focus has been shifting away from the purely self-defensive tone of the 1991 white paper. It has been so (1) because of China’s dual identity, (2) by the necessity to be consistent, and (3) by acknowledging the image boosting effects of backpatting. That renders duality to China’s behavior and reinforces the limitation of classifying the country just as self-defensive.

### **Language shift in official documents**

The language used throughout the documents under the categories analyzed indicates both continuity and change of behavior. While the arguments putting forward self-defense are still present, their language is becoming more pro-normative. To compose the historical discussion and blame the past and its actors for the lack of enjoyment of rights by the Chinese people, the 1991 white paper thoroughly employed terms like imperialism and imperialists, colonial rule, oppression, foreign aggression and aggressors, occupation, and interference. Such severe terms were smoothed in later documents. This is a change similar to what happened in China’s participation in arms control institutions (Johnston

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<sup>27</sup> UN Doc. A/HRC/WG.6/4/CHN/1 (2009: 6); (State Council 1991: 30, 43; State Council 2012: 23-4).

2008: 67). Johnston describes Chinese initial participation in the Conference on Disarmament (CD) as unconstructive, sometimes using offensive politicized language (Johnston 2008: 67-8). He argues for a learning process in China's participation in arms control institutions, in which "Chinese diplomats learned fairly quickly to portray China as more proactive, and they became less concerned about using the CD as a forum for bashing the superpowers on issues of less direct relevance to the CD's purposes" (ibid: 68). Continuous participation introduced core arms control concepts in Chinese experts' lexicon (ibid). Then, could it be true for the HR regime too? The documents' analysis shows that the answer is yes.

### **Concealing defensive behavior in the use of pro-normative language?**

China's HR lexicon has been incremented to suit its more substantive and active role in the UN HR regime. In contrast to the 1991 document, official documents now incorporate language that is more constructive. That is clear by the emphasis on positive buzzwords. It is a noticeable effort to create a perception that China is succeeding in its endeavors, mostly with the repetitive use of words like develop, improve, strengthen, enhance, preserve, increase, guarantee, achievement, and development.

Therefore, taking statements on the validity category, it is no surprise to read in the 2013 national report that "China respects the principle of universality of human rights"<sup>28</sup>, when in fact China continues to claim HR promotion and protection in accordance to national circumstances and conditions. At the same time, the drop in the frequency of the national circumstances argument is remarkable. The 1991 white paper alone makes 16 references to national circumstances, while in the other five documents analyzed there are together no more than 13 references. Despite being less mentioned in later documents, when national circumstances is brought up as an argument, it is not concealed with a constructive tone, denoting that behavior is leaning towards pro-normative, but still maintaining a defensive aspect.

Analyzing statements on the rights category, the 1991 white paper was clear in stating that "it is a simple truth that, for any country or nation, the right to subsistence is the most important of all human rights" (State Council 1991: 2). That is, no reference to respecting universality, nor the indivisibility of rights; subsistence is the only right that

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<sup>28</sup> UN Doc. A/HRC/25/5 (2013: 2).

matters. In a change of tone, the 2009 national report claims that the “international community should respect the principle of the indivisibility of human rights and attach equal importance to civil and political rights and economic, social and cultural rights”<sup>29</sup>. Not only has the tone changed in the latter sentence, but the approach to HR is also different. Markedly, both statements are willing to boost the status of economic, social and cultural rights (to which the right to subsistence is part), but the latter does so in much more constructive way, or put differently, is adequate to what is deemed appropriate to members of the UN HR regime. Noteworthy, the priority of the right to development and right to subsistence remains in all documents, even if sharing space with the acknowledgment of the indivisibility of rights in the national reports and action plans. The 2013 national report and the second action plan (2012-2015) are clearer on this matter, stating, respectively, that China “comprehensively promotes the coordinated development of rights of all kinds”<sup>30</sup> and that “taking all types of human rights as interdependent and inseparable” China promotes the coordinated development of rights (State Council 2012).

Statements on sovereignty also remain present, but concealed with a constructive tone. The word sovereignty per se is not found in any of the documents except the 1991 white paper. Instead, some of the later documents discuss mutual respect, which is a more constructive way of addressing the principle of sovereignty, therefore indicative of pro-normative behavior in terms of language used. To demonstrate, one can infer sovereignty from this sentence, despite the absence of direct reference: “China is committed to hold exchanges and cooperation in the field of international human rights and promoting the healthy development of international human rights on the basis of equality and mutual respect” (ibid: 28).

In summary, as the analysis reveals, China has indeed changed its lexicon in HR, even if maintaining its core arguments. This change is better understood as a learning process through which China became more socialized into HR. However, as Johnston observes, “socialization can move in many directions, not always cooperative ones” (Johnston 2008: 212). That is, even if China learnt how to behave cooperatively in accordance to the norms of the social group, it is not a given that the country promotes and protects HR in accordance to the principles it claims to uphold. In fact, the main issue with all these documents is the latent ambiguity in their claims of progress. A quick

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<sup>29</sup> UN Doc. A/HRC/11/25 (2009 : 5).

<sup>30</sup> UN Doc. A/HRC/25/5 (2013: 3).

comparison with the stakeholders' summary<sup>31</sup>, which compiles NGOs assessments on China's HR records, will raise doubt on a large number of statements made in the official documents.

### **Talking the talk of human rights**

China today talks the talk, and has the means to walk the walk of HR. China has become a skillful actor that not only balances two identities, but also exhibits a dual behavior in HR. While there is evidence of pro-normative behavior, there is evidence of self-defensive behavior. While there is acceptance of norms and rules, there is challenge. What is more, it is true that international pressure has been rather lenient towards China in recent years, as Johnston has pointed back in 2008: "on the human rights issue China has not really been confronted by a relatively united and vocal critical inter-state audience" (Johnston 2008: 144).

In 2016, during the 31<sup>st</sup> HRC session, a possible shift occurred when twelve countries issued a joint-statement condemning China's crackdown on HR and two international NGOs issued a statement with the same content (Harper 2016; FIDH and HRIC 2016). China's answer (Cong 2016) aggregates statements on the four categories in a self-defensive language, claiming its developing country identity. Drawing back to an argument Johnston raised, Chinese response and concern in openly addressing criticism evidences that opprobrium costs are something to be avoided "through the expenditure of a lot of diplomatic capital" (Johnston 2008: 144). Markedly meaning that socialization is present.

Finally, if China's socialization were to be questioned because of a lack of domestic compliance, then we would have to question the possibility and significance of socialization into the international HR regime. There is no such a thing as a fully compliant country; all states have their shortcomings in HR records. A complete socialization would then be impossible not only for China, but for all other countries. The argument in this thesis is that China to some extent has been socialized into the international HR regime, although its cooperation is still, in many ways, incongruent with international standards of domestic compliance. Furthermore, socialization is not an

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<sup>31</sup> UN Doc. A/HRC/WG.6/4/CHN/3 (2009); UN Doc. A/HRC/WG.6/17/3 (2013).

either-or process, there are different levels of acceptance of the international norms, and there is more or less cooperative behavior.

## **CHINA AS A NORM-SHAPER OF THE HUMAN RIGHTS COUNCIL**

Now that the case for China's socialization into the HR regime has been made, it is time to focus on the country's agency. That is, its role as a norm-shaper in the HR regime. Denying China's agency is not just a matter of overlooking an important dimension of international politics, but also of impeding the advancement of the field. As Kent puts it, China poses the most rigorous test to the HR regime, "because of its ascribed superpower status, its economic and strategic muscle, and particularly its position as a Permanent Member of the Security Council" (Kent 1999: 2). So, that it seeks to shape the international system is expected.

In explaining China's role as a norm-shaper, this section is divided in three main parts - what, how and why. First, the data analysis is presented, to provide empirical grounding and present evidence of China's ability to shape the regime. Second, the analysis develops into discussing two processes of norm shaping, attempting to show how China is a norm-shaper. Finally, the theoretical discussion on alliance formation offers insight on why norm shaping is possible.

### **Comments and recommendations**

Comments and recommendations taken into consideration for this analytical part are those made by countries present at the two UPR sessions for China. Both video and documentary records of these sessions provide relevant evidence of alliance patterns in the HR regime. In placing countries along a spectrum that goes from critical to appreciative, it is possible to track patterns in argumentation and a relation between group identification, or a country's identity, and the type of comment and recommendation<sup>32</sup>. Surely, identity and identification with a group of countries is not the only factor informing actors' decisions to be critical, moderate or appreciative towards China. Material and efficiency factors are also relevant in defining international alliances among countries (Hemmer and Katzenstein 2002: 583). Even so, the strength of the identity factor seems to be rather relevant in the HR regime. Human rights yield norms, values and rules that surpass the boundaries of a purely legal and institutional framework, touching upon moral values, issues of human dignity and fundamental rights. Such a

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<sup>32</sup> To illustrate, appendix 4 compiles all countries' comments and recommendations in the 2009 UPR, according to critical, moderate, and appreciative categories.

dimension alludes to identity and in-group identification as factors of weight in the discussion roundtable, therefore the focus on that factor in this section.

### **Critical countries**

Critical comments are those that touch upon lack of rights protection and that express concern over allegations of violation. For instance, France “noted that NGOs’ reports frequently referred to various methods of confinement, such as detention, house arrest, secret prisons and re-education through labor centers”<sup>33</sup>. Likewise, the United Kingdom of Great Britain and Northern Ireland expressed concern over HR situation in the Tibet Autonomous region<sup>34</sup>, and Canada “expressed deep concern about reports of arbitrary detention of ethnic minorities’ members”<sup>35</sup>. These are instances of critical comments, but it should be noted that they come along some more appreciative comments by the same countries, like “Switzerland recognized the rapid economic development in the past years and the efforts made by China to improve the living condition of its population”<sup>36</sup>.

Recommendations under this category touch upon sensitive topics, like arbitrary detention, abolition of RTL, enforced disappearances, and moratorium of the death penalty. For instance, Sweden recommended to China that it “urgently release those being held in detention or imprisonment for exercising their right to freedom of expression”<sup>37</sup>. On the same note, Germany recommended China to “refrain from impeding civil society and respect its international obligations on the right to freedom of peaceful assembly”<sup>38</sup>.

### **Moderate countries**

Countries were considered moderate when their comments were phrased in vague, mild terms and mostly addressed topics on economic, social and cultural rights, or rights of women and children, education, people with disabilities, and the like. For instance, Mali “noted that China had specifically included safeguarding of women and children’s rights in its general economic-development planning”<sup>39</sup>. In general, recommendations, when

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<sup>33</sup> UN Doc. A/HRC/11/25 (2009: 14).

<sup>34</sup> Ibid, p11.

<sup>35</sup> Ibid, p7.

<sup>36</sup> Ibid.

<sup>37</sup> UN Doc. A/HRC/25/5 (2013: 22).

<sup>38</sup> Ibid, p23.

<sup>39</sup> UN Doc. A/HRC/25/5 (2013: 9).

present, referred to less sensitive topics, like women and children’s rights, social security, persons with disabilities’ rights, and HR education for leading officials and public servants. For instance, Niger recommended that “living conditions be improved in urban and rural areas” (UN HRC 2013a).

### **Appreciative countries**

This is the largest category in both sessions and the group of interest to the upcoming discussion. Appreciative countries were considered as such when their comments commended China’s HR records, highlighted its close relations to China, asked China to share its good practices, defended the country from foreign criticism, and employed terms of CCP’s ideology – harmonious society, scientific outlook on development, put people first<sup>40</sup>. Some representative examples are: “Jordan was encouraged by China’s access to a high number of international human rights instruments”<sup>41</sup>, “The Philippines said its people have enjoyed friendly relations with the Chinese people”<sup>42</sup>, “Pakistan stated that China does not require external advice on securing the rights of its people”<sup>43</sup>. Likewise, “Sri Lanka rejected malignant criticism by those who tore China into little pieces in the period of colonialism and semi-colonialism”<sup>44</sup>, and “Venezuela commended the fact that the Chinese government of China attached the same importance to economic, social and cultural rights with respect to other human rights, including the right to development”<sup>45</sup>.

Recommendations, when present, mostly addressed less sensitive topics. Some countries asked China to share its best practices, like Vietnam: “share with the international community an experience in promoting the right to development and poverty reduction”<sup>46</sup>. Likewise, Lebanon recommended to China that “efforts already made to promote the right to development be strengthened, particularly when it comes to sharing of good practices and positive experiences with other countries on development, particularly when it comes to poverty reduction and promotion of health” (UN HRC 2013a).

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<sup>40</sup> UN Doc. A/HRC/11/25 (2009).

<sup>41</sup> Ibid, p14.

<sup>42</sup> Ibid, p8.

<sup>43</sup> Ibid, p21.

<sup>44</sup> Ibid, p10.

<sup>45</sup> Ibid, p21.

<sup>46</sup> Ibid, p13.

## Session voting

During China's second UPR report consideration, the NGO International Service for Human Rights (ISHR) declared it would make a moment of silence to remember Cao Shunli and HRDs who lost their lives (UN HRC 2014). The episode is of relevance to this analysis because the heated debate that followed ISHR statement provides evidence into alliance formation and China's ability to shape the regime in conjunction with its allies.

A few countries were allowed to make statements regarding the appropriateness of China's point of order, once again revealing the division between critical and appreciative countries. Canada, the US, the UK, Greece (on behalf of the EU), Germany, Estonia, France, Austria, and Ireland were all countries raising arguments against China's point of order and stating that the HRC should be a space that protects the freedom of speech of all speakers. The US representative affirmed: "members of the Council have no authority to dictate the content of relevant interventions by civil society organizations. That fact applies to an intervention that includes silence as much as any spoken intervention" (ibid).

On the other side, Cuba, Saudi Arabia, Algeria, Vietnam, Morocco, South Africa, Iran, Pakistan, Egypt, Venezuela, Russia, and the Maldives, were all supportive of the point of order. Their arguments referred to violation of the rules of procedure, invoking resolutions contained in the institution-building package<sup>47</sup> and the danger of opening precedents for upcoming sessions. For instance, Morocco representative stated the country's support for the role played by NGOs in the UPR, however, he complemented: "we think that our Council should avoid creating any precedence, which could subsequently be used in situations which would have no positive effects on human rights or on this space for cooperation and dialogue which our Human Rights Council is. This is why we reaffirm our support for China" (ibid).

When the President decided on taking the issue to the Bureau, it led to a voting that favored China (ibid). What is relevant about this result is that the arguments on behalf of maintenance of positive HR practices within the HRC were overruled by arguments on behalf of rules of procedure. Put differently, China and its allies were able to steer HR promotion and protection towards the direction of preference to China – and

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<sup>47</sup> The IB package was created in 2007 and guides the work of the HRC and set up procedures and mechanisms (OHCHR 2016d).

to some of its allies. Ultimately, it meant the moment of silence in honor of Cao Shunli was prohibited and that freedom of expression of civil society organizations was undermined. This case and the openly declared support to China in the comments and recommendations are the expression of China's norm-shaping ability.

With the scenario explained, the questions remaining are how and why alliances are elicited and expressed.

### **The two processes of norm-shaping**

China's interaction with the HRC presents the four characteristics of norm shaping. As expressed in the socialization discussion, (1) the country has stood against foreign intervention and criticized Western imperialism, and (2) has upheld sovereignty as a fundamental principle. In this section, in light of the empirical evidence, analysis proceeds to identify (3) China's active role in a HR multilateral forum – by shaping the evolution of HRC norms -, and (4) its willingness to define legitimate norms.

In order to analyze the empirical evidence and establish how China is shaping HR norms, the rules of inference – on the two processes of norm shaping - are applied. First, the independent process is explored. The aim is linking the analysis to previous literature and paving the way for discussing the second process. It proves that the active role played by China has indeed steered the wheel of HR norms and created the opportunity for China to set up alliances. Then, the collective process is explained. The goal is establishing the linkage between the alliances observed in the dataset and the shaping of norms in the HRC. The main finding is that the patterns of comments, recommendations and aligned behavior represent the alliance formation and, therefore, are evidence of international cooperation among countries, which ultimately affects the functioning of the regime.

#### **Individual process**

When an emerging country interacts with the existing international order, acceptance of its norms and rules is not a given. In explaining the role of emerging countries as norm-shapers, Xiaoyu parallels the concept with that of Barry Buzan, of reformist revisionist, which means that “emerging powers are not challenging the fundamental rules of the game, but are trying to incrementally change the system or at least raise their voices within it” (Xiaoyu 2012: 16). China is undergoing this process since the 90s (Kent 1999:

214), with its current HRC membership as the means of achieving representation, status and ability to shape norms.

Inevitably, the question whether this more prominent representation is positive or negative arises. Kent, in discussing China's impact and influence on international organizations, points to a "consistently negative" effect on the HR regime (Kent 2007: 250; Kent 1999: 59). The Chinese point of order during the UPR corroborates the negative effect exposed by Kent, in the sense it undermined ISHR's freedom of expression. However, it can be misleading to frame the effects of China's actions as plainly negative, as Kent (2007: 222) herself observes. Some good is stemmed from China's interaction with the HR regime, and Chen's analysis offers an insightful standpoint on the matter.

According to Chen, since the 90s China has called for reforms – structural and functional - of the UN HR regime (Chen 2010: 29). Its main goal being the redressing of institutional flaws that "had overemphasized civil and political rights to the negligence of other rights" (ibid). China's clearest opportunity to redress such flaws was in the creation of the HRC in 2006. In explaining China's active involvement in shaping the HR regime, Chen's analysis offers valuable contribution in that it explains how China has been able to individually push for changes. He explains that, in negotiating the new HRC's membership requirements, Chinese delegates "stuck uncompromisingly" to a method of equitable distribution of seats according to geographic representation (ibid). China's success is written in article 7 of the resolution on the HRC<sup>48</sup>, which stipulates the equitable geographic distribution of members<sup>49</sup>. Consequently, the group of developing states has a permanent majority in the HRC (ibid: 39).

Such a rule has both positive and negative consequences. It is positive to the extent it enlarges the HR agenda to the needs and interests of developing countries, and it is negative to the extent it gives the opportunity to favor controversial decisions, such as the voting during the UPR session. Finally, the relevance of Chen's analysis lies in its ability to pave an informed discussion of the ways through which China has been shaping the regime. It is a confirmation of Xiaoyu's diagnostic, that "the relationship between emerging powers and international norms is much more complicated than previously assumed" (Xiaoyu 2012: 19).

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<sup>48</sup> UN Doc. A/RES/60/251 (2005).

<sup>49</sup> Seats distribution: Group of African States, thirteen; Group of Asian States, thirteen; Group of Eastern European States, six; Group of Latin American and Caribbean States, eight; and Group of Western European and other States, seven (UN Doc. A/RES/60/251 2005, para.7).

## **Collective process**

Kent has pointed to China's ability to form coalitions with Global South countries in her analysis of the 1992 HR Commission session (Kent 1999: 64-5). China did so by defending cultural relativism and by pointing to the necessity of rethinking HR to avoid the marginalization of developing countries (ibid: 66). Likewise, Foot describes China's alliances with other countries to restrict mandates and to question impartiality of approach by the UN HR Commission (Foot 2000: 270). Chen exposes the same trend by affirming that "China has succeeded in leading and collaborating with like-minded developing states to mainstream an accommodating atmosphere and minimalist criteria in the UN human rights regime" (Chen 2010: 45). Thereby, the interest here is in understanding how it happens, how this alliance is elicited and expressed.

As the socialization discussion has explained, China's dual identity, mostly its developing country identity, allowed for identification with this group of countries. Relevantly, "identification undercuts collective action barriers to cooperation" (Lai and Reiter 2000: 208). That means China's identity as a developing country elicits cooperation from these countries to the extent it attends interests, values and needs of both sides. China strengthens developing countries and developing countries strengthen China. Together, they shape the HRC, with China as its prominent representative.

Analysis of each country comments and recommendations, under the appreciative category, provide evidence of how this process is expressed. The first and clearest evidence is the voting session, in which support for China's point of order undermined the freedom of expression of civil society organizations. Less straightforward evidences, however as meaningful as the voting, are the patterns identified in the comments, recommendations and positioning of these countries in relation to China.

These patterns give an idea of the complex interaction between states and between agents (states) and structure (HR regime), in other words, they show how alliance – and consequently norm shaping - is expressed. Notably, countries commend China's impressive economic development; refer to the right to development; praise China's progress in alleviating poverty; appreciate China's engagement with and contribution to

the HRC; refer to the country's achievement of some MDG; ask China to share its best practices in HR; and appreciate the implementation of the NHRAPs<sup>50</sup>.

Also present are references to friendly relations between the countries and China; appreciative mentioning of China's scientific outlook on development and pursuit of a harmonious society; some identify China as a developing country and sympathize with its challenges as such; and recognize the necessity of implementing HR in respect to national circumstances<sup>51</sup>. There are several elements contained in these statements, offering a precise picture of identification between these countries and China. The nature of such identification vary from economic interests, shared beliefs, shared identity to the necessity of raising a voice and being heard within international organizations. Identification leads to alliances, which helps consolidating a HR rhetoric that also encompasses the perspectives of developing countries.

In formulating these arguments, these countries are strengthening the alliance and support for China, which legitimizes Chinese status and representation in the HRC, enabling its role as a norm-shaper. Countries' behavior towards China reflects not only the likeliness of alliance formation, but also the extent of China's ability to shape the HR regime as a whole. Therefore, as Foot argues, "it matters whether Beijing chooses to support the central norms of the international human rights regime, for it has the potential to bring others in its wake or demonstrate that alternative conceptions exist and can be acted upon" (Foot 2000: 255). What we see with the sampled texts is that Foot's projection is an ongoing process; China has been demonstrating the existence of alternative conceptions. What is more, countries are corresponding with appreciation to it and the regime is slowly being reshaped.

Furthermore, as Chen observes, economic and social development have shifted China from a "pariah state into an object of admiration and imitation" (Chen 2010: 45). Some of the comments are the epitome example of admiration, like Brunei Darussalam's comment: "we are encouraged by China's continued efforts to advance the lives of its people" (PMB 2013). Others express willingness to imitate, like Angola's request that China continue policies on international cooperation "in order to assist the efforts made by other developing countries to fulfill the right to development" (PMA 2013). In a similar fashion, Pakistan claims "China's accomplishments bear a lesson for all"<sup>52</sup>. These

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<sup>50</sup> UN Doc. A/HRC/11/25 (2009); UN Doc. A/HRC/25/5 (2013); UN HRC 2009a; UN HRC 2013a.

<sup>51</sup> UN Doc. A/HRC/11/25 (2009); UN Doc. A/HRC/25/5 (2013); UN HRC 2009a; UN HRC 2013a.

<sup>52</sup> UN Doc. A/HRC/11/25 (2009).

are expressions of the country's legitimate role and ability to act as a norm-shaper of the UN HR regime.

### **Theoretical discussion: Alliance formation and international cooperation**

This subsection aims at understanding why alliances are expressed as they are in the HRC. In general, international relations theories have emphasized a different factor each. Realists have focused on balance of power and bandwagon (Walt 1985). Liberals have looked at interdependence (Keohane and Nye 2001). Constructivists have stressed identity (Klotz et al. 2006; Checkel 1999; Onuf 1998). In line with constructivist work, the present thesis emphasizes group identification and the role of shared identity in shaping alliances among countries, notably without disregarding other factors.

First and foremost, multilateral forums are environments of cooperation par excellence. As such, there is a conspicuous demand on shared identity. Hemmer and Katzenstein observe that multilateralism “requires a strong sense of collective identity in addition to shared interests” (Hemmer and Katzenstein 2002: 575-6). In their analysis they point to a lower level of identification that the US policymakers had with Southeast Asian countries, when in comparison to European states, ultimately influencing the way relations were held (ibid: 587). Likewise, Lai and Reiter show how political similarities, common culture, common threat and learning experience increase the chance of international alliances among certain countries (Lai and Reiter 2000: 204).

These studies widen our perception of why countries chose to align with China in the HRC, instead of allying with Western powers, which are usually portrayed as the promoters of HR (Foot 2000: 59). Countries on the appreciative category either have a similar regime type, share a common culture, have an interest in allying with China against the common threat of Western interference (which would be the case for Iran, for instance), or learnt that China offers alternative conceptions that suit them better than the propositions of Western countries.

Thus, another important factor to be considered when discussing alliance formation is the agency played by states. Checkel has noted that in constructivist works “the role of agency within the adopter population is largely ignored or assumed away with simplifying assumptions” (Checkel 1999: 86). At this point, the discussion intertwines with that of socialization. Checkel's argument resembles that of Johnston (2008) and Xiaoyu (2012). Hence, and again, it is not given that member states to the HRC accept

international HR norms as they are. They are prone to form alliances with a state or a group with which there is higher level of identification, just like the US did with European countries at NATO. Equally important, if developing countries and least-likely states have the opportunity to shape the regime, they will (Kent 2007: 252).

Unsurprisingly, China stands out as a viable alternative, with a norm shaping ability that may help including the perspectives of developing countries into the HR regime. Similarly, China stands out as an alternative identification group for those learners, norm-takers or novice states (Kent 1999; Xiaoyu 2012; Johnston 2008). These countries can learn a great deal with China on how to fend off foreign criticism, on how to talk the talk without necessarily walking the walk, on how to use a set of dismissive arguments, and block critical resolutions. Nevertheless, they can also learn how to implement poverty alleviation policies and the right to development, how to participate actively in the UN while being a developing country, and how to undergo legal reforms in a so-called least-likely environment for the promotion and protection of HR.

## CONCLUSION

The study has attempted to assess China's interaction with the HRC. It did so by investigating China's socialization into the UN HR regime and its norm-shaper role. It should be noted that these are two sides of the same coin; they are opposite processes - one is structure-centered, the other agent-centered - affecting the making of HR norms.

By analyzing socialization, the attempt was to challenge the common assumption that China has adopted a self-defensive approach within the UN HR regime. The analysis main finding is that China presents a dual behavior, self-defensive and pro-normative. Recognizing this duality is important because it reinforces the socialization argument, so to say, that China has been socialized into the UN HR regime. But by no means is this the same as arguing that China is better at protecting and promoting HR than before. Claiming that China has been socialized into the UN HR regime means that its behavior is not just consistently negative, nor solely reactive to international pressure. It means that China can behave pro-normatively, that it values backpatting and tries to avoid opprobrium within the groups with which it identifies.

In this regard, China's dual identity, as a developing country and responsible major power, is an evidence of the socialization process. Cooperative behavior goes along the norms of behavior of each social group. So, if China belongs to two groups, it has to balance between the appropriate behaviors of each. That is, China may use its dual identity instrumentally, to rejoice from status markers from one or another identity, but the HR regime structure will pressure China if it behaves inconsistently with one or another group values. Consequently, if China wants to avoid those opprobrium costs, it will have to be consistent, which may have the positive effect of drawing the country more and more into the HR regime.

China's use of language in the UPR and other documents is the other evidence of socialization. It is so because there is plenty of evidence of a change in China's HR lexicon, by using a language appropriate for pro-normative behavior. This indicates a learning process and a willingness to be consistent, by acting in accordance to group procedures. Also, it signals a willingness to rejoice from membership status, in the sense that official language depicts the way China wants to be perceived by HRC member-states. However, it is true that the language shift allows China to conceal its defensive position by using terms and concepts common to the UN HR regime. Therefore, it

remains the question whether China will be more socialized or will just keep talking the talk, without necessarily walking the walk of HR.

By analyzing norm shaping, the effort was in elaborating an analysis capable of tracing the means through which China has been able to shape the HRC, with a focus on the role of alliance formations. The main finding is that China is a norm-shaper of the HRC, doing so individually and collectively.

Building on the work of previous literature, the analysis exposed that China has been active in negotiating the creation of the HRC, putting forward its interests and calling for reforms of the UN HR regime, which ultimately shaped the HRC resolution text<sup>53</sup>. Notably, by advocating for equitable geographic distribution of seats, China managed to attend its interest of having a majority of representatives from developing countries in the HRC, a group that has been appreciative of China's conduct and records on HR.

Developing countries' support of China is evidence of how China has been able to actively push for changes that encompass the perspectives of those countries. Arguments on national circumstances and non-intervention, along with advocacy for the rights to development and subsistence are appealing to developing countries. What is more, these arguments reflect shared values and increase their group identification with China. Therefore, the collective process is relevant, in that it exposes China's ability to offer an alternative approach to HR and gather a coalition of countries that have better identification with China than with Western powers. Consequently, alliance formation and group identification are crucial in shaping the way HR are discussed in the HRC, and are the means through which China is able to act as a norm-shaper of the HRC.

Finally, answering to the main research question, China has been actively interacting with the HRC and its member-states. Its behavior is not only self-defensive; China is not just fending off international pressure. The country is bringing its interests and priorities to the negotiating table, and consequently that of developing countries too, or at least to the extent that their interests converge. Failing to recognize this shaping ability is a failure to recognize agency and the two-way process of socialization and norm shaping, or of the agent-structure relation. Additionally, it is important to resist the temptation of classifying this interaction as either positive or negative, because it is both. It is negative when China and its allies impede civil society's freedom of expression

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<sup>53</sup> UN Doc. A/RES/60/251 (2005).

within the HRC; and it is positive when China advocates for a non-selective approach in the HRC, so all countries receive equal treatment.

In conclusion, acknowledging China's active interaction with the HRC is a way of advancing human rights inside and outside Chinese borders. It is also a contribution to the research field. This study only focused on the HRC, but future research on China's interaction with other international HR bodies is necessary in order to gain a more comprehensive picture of China's socialization and ability to be a norm-shaper.

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## APPENDICES

### Appendix 1. China's participation to core international HR treaties (OHCHR 2016e)

<b>Core International Human Rights Treaties</b>	<b>Signed</b>	<b>Ratified</b>
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	/	1981
International Covenant on Civil and Political Rights (ICCPR)	1998	/
International Covenant on Economic, Social and Cultural Rights (ICESCR)	1997	2001
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	1980	1980
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	1986	1988
Convention on the Rights of the Child (CRC)	1990	1992
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)	/	/
International Convention for the Protection of All Persons from Enforced Disappearance (CPED)	/	/
Convention on the Rights of Persons with Disabilities (CRPD)	2007	2008

**Appendix 2.** The 26 international HR instruments to which China is a party, includes core international HR instruments and instruments in other areas closely related to HR (UN Doc. A/HRC/WG.6/17/CHN/1 2013: 29-30).

1. Convention on the Prevention and Punishment of the Crime of Genocide
2. Convention relating to the Status of Refugees
3. Protocol relating to the Status of Refugees
4. International Convention on the Elimination of All Forms of Racial Discrimination
5. International Convention on the Suppression and Punishment of the Crime of Apartheid
6. Convention on the Elimination of All Forms of Discrimination Against Women
7. Convention on the Rights of the Child
8. Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value
9. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
10. Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field
11. Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea
12. Geneva Convention relative to the Protection of Civilian Persons in Time of War
13. Geneva Convention relative to Treatment of Prisoners of War
14. Protocol Additional to the Geneva Convention of 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)
15. Protocol Additional to the Geneva Convention of 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)
16. Convention concerning Vocational Rehabilitation and Employment (Disabled Persons)
17. Convention concerning the Rights of Association and Combination of Agricultural Workers
18. International Covenant on Economic, Social and Cultural Rights
19. Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

20. Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour
21. Convention concerning Minimum Age for Admission to Employment
22. Convention concerning Discrimination in Respect of Employment and Occupation
23. Convention concerning Employment Policy
24. Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
25. Convention on the Rights of Persons with Disabilities
26. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

**Appendix 3.** Votes on the President’s decision of forwarding the matter to the HRC Bureau.

<b>Yes</b>	<b>No</b>	<b>Abstention</b>
Austria	Algeria	Argentina*
Czech Republic	Benin	Botswana
Estonia	China	Brazil
France	Congo	Burkina Faso
Germany	Cuba	Chile
Ireland	Ethiopia	Costa Rica
Italy	India	Cote D’Ivoire
Japan	Indonesia	Gabon
Mexico	Kazakhstan	Kenya
Republic of Korea	Kuwait	Macedonia*
Romania	Maldives	Montenegro
United Kingdom	Morocco	Peru
United States	Namibia	Philippines
	Pakistan	Sierra Leone
	Russia	
	Saudi Arabia	
	South Africa	
	United Arab Emirates	
	Venezuela	
	Vietnam	
<b>Total: 13</b>	<b>Total: 20</b>	<b>Total: 12</b>

\*Not present at the session.

**Appendix 4.** Countries classification according to the critical, moderate, and appreciative categories in the first UPR cycle.

<b>Critical (16 total)</b>		
<b>Country</b>	<b>Comments</b>	<b>Recommendations</b>
<b>Australia</b>	repression of religious activities and of ethnic minorities / death penalty / media regulations	minorities protection / death penalty abolition / invite special procedures / establish national human rights institution / human rights defenders harassment
<b>Canada</b>	death penalty / arbitrary detention of minorities	judicial reforms / reduce death penalty crimes / abolish RTL / eliminate abuse of psychiatric committal / fundamental legal safeguards to those imprisoned / torture / non-refoulement of refugees / invite special rapporteurs
<b>Switzerland</b>	economic development / death penalty / minorities rights	amend criminal procedural law / timeframe to ratify ICCPR / publish death penalty statistics / death penalty moratorium / respect fundamental rights of minorities
<b>UK</b>	welcomes progress in economic, social and cultural rights / lack of transparency over use of death penalty / concern about Tibet Autonomous Region / cultural and religious rights / asked about plans to protect for Chinese media / treatment of HRDs / protection for defense lawyers	timetable for ICCPR ratification / reduce death penalty application / publish death penalty statistics / invite special procedures of HRC / grant greater access to Tibetan areas for OHCHR and UM bodies
<b>Germany</b>	asked about efforts to combat torture and maltreatment in detention facilities / asked about efforts to ensure evidence obtained by torture is not used / that officials responsible for acts of torture are brought to justice	abolish administrative detention and forced labor without proper trial / ensure detainees rights / educate prison staff / reduce death sentences / consider early release of detainees of old age or in fragile health / review approach towards religious groups / guarantee religious freedom
<b>Japan</b>	applauded achievements so far, but hoped China would continue efforts to enhance promotion and protection of civil and political rights, including ratification of ICCPR / noted concrete steps for the freedom of press and hoped China would fully implement these regulations	further ensure ethnic minorities the full range of HR

<b>Finland</b>	noted some improvement with regard to the right for defense but the implementation of these new provisions may be difficult due to persisting contradictory legislation, including the Criminal Procedure Law / substantial practice of child labor persists and that children work in abusive conditions under so-called "work and study programmes"	take effective measures to ensure lawyers can defend their clients without fear of harassment / develop and adopt a comprehensive policy to combat child labor / withdraw its reservation to the article 6 of the CRC
<b>Czech Republic</b>	none	accede to OPCAT, improve its national implementation of the CAT, establish independent and effective complaints procedure for victims of torture / revise legislation and practice that violate the right to freedom of expression and release all persons held in this connection / reform State secrets Law and definitions of crimes as incitement to subversion of state power so that they cannot be abused for persecution of HRDs / ensure judiciary independence / abolish RTL / review laws and practices with regard to minorities / end "strike hard campaign" / investigate all cases of police brutality and torture / ensure protection of the right of peaceful assembly and release all persons arrested in this connection
<b>New Zealand</b>	recognized achievements in poverty reduction / noted with concern allegations around the use of forced labor as corrective measure, torture, detention without trial and ill-treatment of suspects in police custody, harassment of lawyers and HRDs, and ongoing restrictions on freedom of religion, information and expression	establish a national HR institution / engage with HRC special procedure mandate holders on addressing challenges / continue reform towards eventual abolition of death penalty / resume dialogue to achieve meaningful outcomes that address interests of all communities in Tibet / adopt measures to ensure universal access to health and education / NHRAP reflect concrete steps towards ICCPR ratification
<b>Argentina</b>	asked about initiatives to expand right to freedom of thought and freedom of expression with regard to internet use / whether there were plans to criminalize torture in the internal legal order	analyze possibility of ratifying HR instruments (ICCPR, CPED) / evaluate possibility of promoting the establishment of a legal description of the scourge of discrimination
<b>Portugal</b>	welcomed China's reform efforts to create conditions to ratify ICCPR / vulnerability of women increased with the absence of a legal definition for "discrimination" / expressed concern over programmes like "work and study"	inscribe definition for "discrimination" in its national law / ensure that primary education attains the constitutionally guaranteed universal compulsory status /

<b>Austria</b>	noted the Constitution guarantee HR and preferential policies to ethnic minorities / welcomed cooperation with OHCHR	allow ethnic minorities to fully exercise their HR, preserve cultural identity and ensure their participation in decision making / reduce death penalty sentences / provide death penalty statistics / ratify ICCPR / intensify technical assistance and advisory services / invite special procedures / follow up to UPR
<b>Sweden</b>	welcomed progress in economic, social and cultural rights	create conditions for early ratification of ICCPR / remove restrictions on freedom of information and expression / take urgent steps to abolish arbitrary detention / ensure reformed prison or compulsory care system meets international standards / continue and deepen judicial reform, including measures to address institutional weakness and lack of independence of judiciary / abolish or reform the current hukou system / lift current reservation to article 8.1(a) of the ICESCR / establish an independent national HR institution
<b>Italy</b>	welcomed growing attention to economic and social disparities among urban and rural regions / welcomed NHRAP	lift secrecy on death penalty statistics / consider a moratorium of death penalty / simplify requirements for official approval of religious practices / respond positively to visit requests by special procedures

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**Moderate (11 total)**

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<b>Country</b>	<b>Comments</b>	<b>Recommendations</b>
<b>The Netherlands</b>	death penalty / welcomed progress / NHRAP	continue to advance rule of law / deepen judicial reform / ratify ICCPR asap / invite special rapporteurs
<b>Mexico</b>	MDG / cooperation with OHCHR and special procedures	consider ratification of OP-CAT, CRPD, and CED / consider moratorium of death penalty
<b>Yemen</b>	people with disabilities / debt relief program relieved the suffering of 10 million handicapped persons living in rural areas	none
<b>Palestine</b>	welcome efforts to allow all sectors of society to have access to education through grants and financial aid / measures to support health sector / praised China for fighting discrimination against women	none

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<b>Latvia</b>	welcome poverty reduction / MDG / appreciated response to questions regarding cooperation with special procedures	step up cooperation with special procedures / consider extending invitation to all special procedures of the HRC
<b>Senegal</b>	achieved significant results in health, education and in combating poverty / MDG / choice to integrate HR into school curricula demonstrates a real will to ensure effective HR promotion / asked if envisages acceding to the ICRMW	none

#### Appreciative (38 total)

Country	Comments	Recommendations
<b>Singapore</b>	right to development / NHRAP elaboration / active role in the UNHRC	finalize and publish NHRAP
<b>The Philippines</b>	friendly relations / bound by strong economic and cultural ties / challenges as a large developing country / lifted millions out of poverty	continue endeavors to build social security system / share best practices with developing countries
<b>Algeria</b>	regretted politicization of HR situation in China / MDG / scientific development / harmonious society / HR should consider context of each country / national realities / NHRAP	pursue implementation of scientific development / share good practices with developing countries / according to national realities ratify ICCPR / publish and implement NHRAP
<b>Russia</b>	commended China's role in the HRC / realization of a basket of socio-economic rights / China is investing resources to develop Tibet / economic and social development / progress in the work of the judiciary	none
<b>Bhutan</b>	developing country with a vast territory / place people first / pursuit of sustainable development / harmonious society / scientific outlook development / MDG	share best practices / strengthen efforts in poverty alleviation / bridge the gap between rural and urban areas
<b>Egypt</b>	support to China in its endeavor to pursue development and territorial integrity / understood China's need to keep death penalty	continue efforts to promote and protect HR / according to national realities control death penalty

<b>Libya</b>	MDG / noted challenges faced by China	accede to ICESCR
<b>Sri Lanka</b>	Chinese people are standing ever taller / China has ensured the political rights of its people / rejected malignant criticism by those who tore China into little pieces in the period of colonialism / rejected criticism on Tibet, inalienable province of China	make China's experience more widely available to the world
<b>South Africa</b>	praised China for hosting Women conference in 1995 / MDG / collaboration with OHCHR / financial support at Durban Review Conference / address China as a developing country	exchange best practices / intensify efforts to eradicate poverty
<b>Saudi Arabia</b>	praise China's acceptance of international responsibility and commitment to HR / dialogue and constructive cooperation with OHCHR	invite special rapporteurs dealing with economic and social rights
<b>Uzbekistan</b>	right to development / commitment on the part of the Government to its international obligations / positive results in protecting rights of women and children, education and HR, civil society development, rights of disabled persons, health and wellbeing / NHRAP	none
<b>Sudan</b>	commended China for its indivisibility of HR / right to development / appreciated efforts to continue to promote democracy and rule of law / RTL is a special legal system based on China's realities / correctional service was a more suitable interpretation of the RTL system	push forward reform of RTL according to national realities
<b>Cuba</b>	hard work of China would put those countries on shame to criticize China / mentions Opium war / lifted millions out of poverty	continue efforts for the promotion and protection of HR / avoid impunity for people who are qualifying themselves as HRDs with the objective of attacking the interests of the state and the people of China
<b>Ghana</b>	MDG / contribution to the HRC / poverty reduction	none
<b>Mozambique</b>	commended China's extraordinary achievements in development, education, health and adequate housing / efforts at promoting gender equality / MDG	continue efforts aimed at further enhancing the status of women

<b>Angola</b>	welcome gender equality policies / MDG / right to subsistence and right to development / first country in the world to meet poverty reduction target / noted important role played by NGOs in China	continue policies to promote education / share good practices / assist efforts made by other countries to fulfil the right to development
<b>Vietnam</b>	noted that China is a developing country / highly applauded the people-centered development policy / MDG / active cooperation with the UM / NHRAP / harmonious society	continue legal and judicial reforms, economic development towards promoting a harmonious society / share with international community experience in promoting the right to development and poverty reduction
<b>Morocco</b>	commended China's consultations in HR with civil society / national report was transparent / saluted efforts for protection of migrant workers	adopt special measures in the context of international financial crisis to guarantee the protection of work opportunities in rural areas
<b>Oman</b>	notes success in implementing economic, social and cultural rights / notes that national unity is very important for China / asked about challenges China is faced with	none
<b>United Arab Emirates</b>	commended progress in economic, social and cultural rights / expressed admiration for achievements to expand the implementation of justice in society through the right to defense, system of people's courts and the trial by jury	strengthen judicial organs through the organization of training seminars for judges and judiciary personnel
<b>India</b>	welcomed China's cooperation with other countries in the field of HR and in promoting a non-selective approach at the international level / praised tremendous strides in reducing poverty / MDG / NHRAP	none
<b>Jordan</b>	encouraged by China's access to a high number of international HR instruments / pleased by steps towards ICCPR ratification / scientific outlook on development has proven to be effective / harmonious society / MDG / praised HR education	continue to place people at the center of development in a harmonious society / intensify HR awareness campaigns / provide training programs for judiciary, law enforcement personnel and lawyers
<b>Iran</b>	commended China's strong commitment to HR / impressive economic development / Chinese people's enjoyment of all HR / noted China's cooperation with other countries in promoting non-selective approach to HR	Strengthen internet governance to make sure content 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
<b>Bahrain</b>	praised efforts to guarantee health care nationwide / decrease in mortality rates / first developing country to have overcome small pox and eradicate it	none

<b>Zimbabwe</b>	praised economic achievements / praised achievements in HR, including freedom of speech, opinion, and expression / China is a country too often deliberately and grossly misunderstood by some international media	continue poverty reduction programs and continue to support and encourage further development of China's media use of English and other foreign languages
<b>Indonesia</b>	China was the most populous nation in the world with multi-ethnic communities living peaceably together / commended the Government's efforts to promote harmony among these groups / asked if China has any plans to ratify further international conventions	ensure the implementation of legislation related to the 60 judicial reform measures as established at the end of 2008
<b>Benin</b>	mentions foreign domination / stood in solidarity with China regarding solutions to be undertaken to address different problems linked to universal respect for HR in its vast territory / recognized continuing challenges	that HK and Macao continue to function according to their realities and maintain respect for different rights of their citizens
<b>Mali</b>	commended positive results achieved in the area of promotion and protection of HR / remained convinced that through its determination China will achieve the goals set for itself	none
<b>Gabon</b>	enjoyed warm diplomatic relations with China since the 1960s, a rich and dynamic partnership, with numerous concrete projects in different sectors of Gabon's economy / the UPR provided an excellent opportunity for China to show to the world HR is a national priority / Chinese government supports involvement of civil society in its awareness raising activities / active participation in the UN and HRC	encouraged China to continue in this way
<b>Qatar</b>	appreciation for China's developments and efforts, especially economic and social rights / right to development, work and social security, housing, education, health / appreciated accomplishments in promotion of rights of the child	attach more importance to protection of the rights of the child through national plans for economic and social developments

<b>Pakistan</b>	China does not require external advice on securing the rights of its people / tendency to politicize the UPR must be guarded against, noting comments about Tibet, which it said reflect political agendas and not an objective appreciation of the situation / Tibet is an inalienable part of China / Chinese government abided by its international HR obligations / hoped external interference would cease / noted tremendous achievements that bear a lesson for all	none
<b>Venezuela</b>	commended the fact that the government attached the same importance to economic, social and cultural rights with respect to other HR / right to development / MDG / poverty reduction	none
<b>Thailand</b>	remarkable and steady economic transformation / meaningful progress in HR / tackle poverty and promote development is an essential building block / welcomed implementation of the national programme of action on environment and health	none
<b>Myanmar</b>	stated that it had consistently exercised the "one child policy" as a fundamental principal of its relations with China / as an immediate neighbor with long-standing traditional close ties of friendship with China, Myanmar stated that it sympathized with and understood challenges faced by China / strongly opposed politicizing HR issues and using them to interfere in others' internal affairs	none
<b>Malaysia</b>	shared the view that economic development is important for the full enjoyment of HR by the people / development oriented poverty alleviation	sharing of China's experiences and best practices in the reduction of poverty with other developing countries / consider strengthening its positive engagement with civil society, NGOs and academic institutions
<b>Nicaragua</b>	respect and protection of HR in China's Constitution are a constant and consistent objectives pursued by the Government / cooperated well with OHCHR / open-minded and responsible spirit on the basis of dialogue / history and social and economic realities / MDG / noted obstacles in ensuring HR	continue enhancing the quality of life of its people through the enjoyment of economic, social and cultural rights and pursuant to international standards