



# **HUMAN RIGHTS WITH 'CHINESE CHARACTERISTICS'**

**How China is systematically undermining  
the international human rights system.**

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# Abstract

China has articulated a conceptualization of human rights that differs substantially from the notion of universalism that underpins the existing international human rights system. This paper investigates the main elements of China's conceptualization, and how it is promoting its version of human rights to undermine the current system. It is important to understand China's motivations, the strategy it is employing, and the effectiveness of its effort, in order to fully appreciate their implications on the existing rules-based system.

This paper looks at inherent tensions in the drafting and implementation of the Universal Declaration of Human Rights (UDHR). It then considers the normative framework proposed by China, and looks at literature on how China is promoting its conceptualization at the domestic, bilateral and multilateral levels. It finds that China is systematically and effectively promoting its version of human rights, while also using its considerable economic leverage to undermine the existing framework. Without a broad, coordinated and sustained effort to protect the current international human rights system, the global framework underpinned by the UDHR will continue to evolve in ways that weaken protections and expose the most vulnerable populations to more human rights abuses.

# Introduction

In 1944, in the midst of the Second World War, discussions began among the US, Great Britain, the USSR and Nationalist China, over a new organization to replace the defunct League of Nations. During those talks, which led to the founding of the United Nations (UN), the Big Three decided to obscure mention of human rights within the charter text (Waltz, 2010).

Despite its own authoritarian regime (Zhao, 2015), China was the only participant that sought explicit mention of human rights in the instrument (Waltz, 2010), with representatives going so far as to declare China's willingness to 'cede as much of its sovereign power as may be required' in deference to a universal standard of human rights (Waltz, 2010).

Today, the People's Republic of China (PRC) has abandoned that position. China is embarked on a systematic effort to undermine and replace the norms established by the UN and codified in the UDHR. Where the UDHR established human rights as being universally applicable, today China articulates a conceptualization emphasizing state sovereignty and regional and cultural distinctions, challenging the universal rights formulation.

## Overview

This paper looks at the main elements of China's conceptualization, and the multi-tier strategy it has adopted to counter and redefine international human rights norms. It also considers how fundamental tensions inherent in the UDHR are allowing China to undermine the current system.

Although there is extensive literature on China's rise and its efforts to redefine international human rights norms at the multilateral level, there is less written on its approach at the bilateral and domestic level, or how it is capitalizing on tensions inherent in the UDHR to achieve its goals. As such, existing literature lacks any comprehensive consideration of China's strategy to change perceptions and norms.

These questions are important because China's rapid economic growth over the past 50 years has magnified its impact on human rights discourse and the conduct of states in the international system. China is an economically successful authoritarian state, which presents itself as an alternative model of development and governance for many

countries (Ahl, 2015). However, its example is in many ways incompatible with the rules-based global governance system, including the democratic standards on which universal human rights norms are built (Hart, 2020).

This fundamental contradiction leads China to pursue a policy to redefine international human rights norms away from universalism. The goal is to create acceptance of China's principles of authoritarian political governance in the international human rights system. However, doing so weakens the moral authority and binding nature of human rights, undermining the system's ability to protect victims and hold governments accountable (Maizland, 2019).

Ultimately, the advancement of human rights depends on local acceptance of their core moral value (Kaplan, 2020), and China's efforts subvert this. Given the Chinese Communist Party's (CCP) need for political self-preservation, and China's historic suspicion of the motives of Western governments (Zhao, 2015), it is unlikely to yield its efforts to bend institutions and norms to suit its own purpose. As the PRC becomes an increasingly dominant actor in global affairs, defenders of the current human rights regime need to address this growing danger, and adopt policies that protect, support and reinforce existing human rights norms.

## **The UDHR and Universal Human Rights**

When it was first proposed, the idea of the UDHR was an ambitious project with little chance of success (Zhao, 2015). Skeptics doubted an agreement on its content could ever be reached, given the vast political, cultural, social and historical differences among its stakeholders (Zhao, 2015). Nonetheless, when the UDHR was approved, it was done so with no dissenting votes – a unique moment of consensus across the diverse membership of the UN.

Ironically, China played a pivotal role in the successful drafting of the UDHR. Peng-chun Chang, head of China's UN delegation served as Vice President of the commission tasked with drafting the instrument (Zhao, 2015). Chang drew inspiration from Chinese philosophy (McFarland, 2017) throughout the drafting process, and was instrumental in ensuring the UDHR drew essential elements from both Western individualism and Soviet collectivism, while rejecting the extremes of both (McFarland, 2017).

The UDHR firmly established the universal nature of human rights. Article 1 noted that 'all human beings are born free and equal in dignity and rights' (United Nations, 1948) and Article 2 explicitly extended the rights articulated in the UDHR without distinction 'on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs' (United Nations, 1948). These fundamental principles have served as the foundation of the international human rights system and universality norms that exist today.

## Inherent Tensions

Although a consensus was reached when the UDHR was adopted, the framework it established was fragile (Zhao, 2015). An anecdote from the period noted that when a visitor expressed astonishment that such a diverse group had been able to agree on a uniform list of rights, he was told, "yes, we agree about the rights but on the condition that no one asks us why" (Zhao, 2015). Challenges remained on reaching a common understanding of what the rights meant, and how states would reconcile tensions between competing rights (Zhao, 2015). At the time of its passing, eight member states abstained from the vote, indicating the gap between 'aspiration and realization' (Zhao, 2015).

A key issue is whether the universality of rights articulated in the UDHR should lead to uniformity in implementing them. Although the UDHR's proclamation clause cites it as 'a common standard of achievement' (Zhao, 2015), this can be viewed as either a

common goal, against which to measure progress, or a common standard on which to base implementation, particularly in light of the many nations that adopted national bills of rights based on the UDHR (Zhao, 2015).

Another contradiction implicit in the UDHR is the relative importance of individual and collective rights. Where some have argued that universal rights are necessarily balanced by obligations (Kaplan, 2020), others have interpreted the rights articulated in the UDHR as individualistic in nature, elevating individual autonomy over communal responsibilities (Kaplan, 2020).

## Embracing Relativism

The CCP is the highest authority in China and is the sole arbiter of individual rights (Hart, 2020). China's political system is therefore fundamentally in conflict with the norms established in the UDHR. As long as current international human rights norms prevail, China will fail to meet them (Hart, 2020).

However, instead of rejecting the existing system outright, China has exploited the tensions that exist in the application of the UDHR in order to develop a competing set of norms that accept China's political and governance system (Hart, 2020), and also appeal to states with diverse political, religious and cultural roots.

China is pressing an understanding of human rights that endorses the concept of universalism (Kinzelbach, 2012) but subordinates it to both state sovereignty – arguing that sovereign equality is the most important norm governing international relations (Foot, 2020) – and to regional and cultural traditions, which it argues influence how human rights norms are implemented (Kinzelbach, 2012). This framework allows a state to define its own collective interests as rights, and then prioritize or deemphasize individual rights in relation to them (Hart, 2020).

## A Multi-Tier Approach

As noted, China's strategy is based on the view that human rights, while universal, are subject to interpretation and prioritization as decided by sovereign governments. As recently as 2011, former Chinese President Hu Jintao reiterated this view, stating "China recognizes and also respects the universality of human rights. And at the same time, we do believe that we also need to take into account the different and national circumstances when it comes to the universal value of human rights" (Zhao, 2015). By providing rhetorical support for universalism, while promoting the primacy of state sovereignty and relativism in human rights, China has developed a potentially attractive argument for many countries to accept revising the existing human rights system. To push its case, the PRC has adopted a multi-tier approach that simultaneously engages at the domestic, bilateral and multilateral levels.

## Domestic Engagement: Issues of Legitimacy

China's domestic human rights record is poor, with widespread accounts of abuses continuing to this day in regions like Tibet, Xinjiang and Hong Kong (Kanat, 2019). Nonetheless, China continues to maintain that it recognizes the universality of human rights and that China's domestic practices are in line with international standards (Ahl, 2015).

The CCP contends that state sovereignty and cultural factors allow it to prioritize the collective rights of citizens over the individual rights of any one citizen, with a logic chain that argues that 'without right to subsistence, no other human rights; without national independence, no right to subsistence; without state sovereignty, no national independence' (Zhu, 2011). Thus, although individual rights may be violated, they are only done so in order to protect the collective rights of citizens, as determined by the CCP government as state sovereign.

China uses this central theme to build legitimacy for its reframing of international human rights among its citizens, expanding the definition of human rights to include national goals such as economic development (Hart, 2020) and transforming economic growth and improved livelihoods into collective human rights of all Chinese citizens. China also actively works to delegitimize the existing international human rights system as a Western-led construct rife with hypocrisy. Chinese domestic audiences are routinely urged to be vigilant against hostile forces who advocate 'so-called universal values' (Qi, 2011) as a means to attack China.

In this framing, universal human rights advocated by Western countries are nothing more than a means to contain China, with state media frequently highlighting human rights violations by democratic countries to support this narrative. One example was the 2019 report from China's State Council Information Office, titled 'The Record of Human Rights Violations in the United States in 2019' (Xinhua, 2020). The seven-chapter report detailed numerous violations against ethnic minorities, women, migrants and other vulnerable groups, adding that the US 'ignores 'persistent, systematic and large-scale' human rights violations in its own country' (Xinhua, 2020).

This consistent narrative to the Chinese public, alongside an expanded view of collective human rights based on economic development, reinforces the CCP's own governing legitimacy and its continued exclusive exercise of power in China.

## **Bilateral Relations: Power Politics**

China's conceptualization of human rights appeals to authoritarian states (Kanat, 2020) as well as democratic governments that prioritize economic growth or social rights as preeminent human rights (Kinzelsbach, 2018). To grow this coalition, China adopts a power-politics approach to its bilateral relationships, providing substantial economic carrots and sticks in order to gain support and mute criticism.



China has made extensive use of loans, grants and other financial inducements to gain favor and engender support for its conceptualization of human rights, and to suppress public dissent of its own human rights record (Kanat, 2020). For example, a recent study found that African countries that voted with China at the UN received an 85% increase in aid from China, mainly linked to infrastructure investment and development support under China's Belt and Road Initiative (Mulrenan, 2019).

China has also used its economic clout to intimidate and threaten bilateral partners who challenge China's position (Kanat, 2020). As recently as November 2020, in the midst of deteriorating relations with Australia, Chinese diplomats issued a public list of demands that would in effect require the Australian government to censor itself, as well as Australian media and academics, in order to continue selling its products in China (Washington Post, 2020). It is widely viewed that China knows such demands would never be met by a stable democracy like Australia, but was meant to serve as a warning to intimidate smaller, weaker countries that depend on Chinese trade and investment (Washington Post, 2020).

## **Multilateral Forums: Change from Within and Without**

China's efforts to influence the human rights system are most visible at the multilateral level. The PRC focuses its efforts primarily at the UN, which it considers 'at the core of the global governance system' (The State Council Information Office of the People's Republic of China, 2019), and where voting decisions help to generate international norms (Primiano & Xiang, 2016).

Despite its own poor rights record, China has been strategically active when it comes to human rights-related votes at the UN. For example, between 1971 and 2012, China's voted affirmative on human rights resolutions at the General Assembly 79% of the time, compared to a world average of 75% (Primiano & Xiang, 2016), and more often in favor

of human rights resolutions than any other permanent member of the Security Council (Primiano & Xiang, 2016). This record signals China's willingness to accept the UN-based human rights system, while also lending credibility to its efforts to redefine the norms that govern it.

This can be seen through another study of China's statements on human rights at the UN between 2000 and 2010, which found that China was effective at consistently promoting a counter-narrative around international human rights norms that avoided challenging rights outright, but focused on their implications (Kinzelbach, 2012). This gradual process has incrementally opened up space for China, and other governments, to infringe on fundamental rights codified in the UDHR. For example, in 2017, a Chinese resolution suggesting human rights must be balanced with economic development needs, passed at the UN Human Rights Council (Hart, 2020). Similarly, a resolution passed in 2018 called for states to address human rights issues, while taking 'national and regional peculiarities and various historical, cultural and religious backgrounds' into account (Hart, 2020).

China is also leveraging its considerable financial influence at the UN to weaken the organization's ability to promote universal human rights and monitor violations. The PRC is now the second largest donor to the UN budget (Hart, 2020), which gives China significant scope to determine funding priorities. China has reportedly sought to defund and remove 170 key human rights posts in closed-door budget negotiations (Mulrenan, 2019) and reduce funding for mechanisms to monitor human rights compliance (Hart, 2020).

China's financial influence also gives Chinese nationals key leadership positions at the UN. Despite guidelines that require international civil servants to serve institutions independently (Hart, 2020), China is accused of leveraging these leadership roles to pursue its human rights agenda (Hart, 2020). In 2017, Wu Hongbo, a Chinese Ministry of Foreign Affairs official serving as UN Under-Secretary-General for Economic and

Social Affairs, blocked the attendance of an activist from Xinjiang from attending a UN forum (Hart, 2020). Although the decision was reversed, Wu bragged on Chinese state television of strongly defending 'the motherland's interests' (Hart, 2020).

Alongside its efforts at the UN, China is also convening its own human rights forums to build support for its conceptualization of human rights principles (Hart, 2020). In 2017, China convened a South-South Human Rights Forum, attended by more than 300 delegates from 70 countries (Kanat, 2020). The forum issued the Beijing Declaration on Human Rights, which codified China's conceptualization on international human rights (Hart, 2020).

Article 1 of the Beijing Declaration explicitly emphasizes the need for different human rights standards for different countries, stating that 'the realization of human rights must take into account regional and national contexts, and political, economic, social, cultural, historical and religious backgrounds' (South-South Human Rights Forum, 2017). Article 5 allows for government restrictions on individuals human rights as long as they 'meet the legitimate needs of national security, public order, public health, public safety, public morals and the general welfare of the people' (South-South Human Rights Forum, 2017), leaving considerable leeway for regimes to infringe on universal rights.

The Beijing Declaration, which takes the form and style of an official UN resolution, is a powerful rhetorical tool in support of China's relativist perspective (Kinzelbach, 2018). It paves the way for a new multilateral framework that directly contradicts and undermines the human rights principles articulated in the UDHR and subsequent human rights law (Hart, 2020).

## Conclusion

The current international human rights system exposes fundamental contradictions between the values articulated in the UDHR and China's authoritarian political system. Motivated by self-preservation, the CCP is therefore embarked on a comprehensive effort to reconceive international human rights norms in a way that creates space for authoritarian political systems to continue to operate without international accountability. It is leveraging its growing influence and economic strength to promote its vision, and has found support among both authoritarian regimes and democratic states that prioritize collective goals like economic development.

Political rights and civil liberties are already under threat across the globe. In its 'Freedom in the World 2020' report, Freedom House recorded 14 consecutive years of decline in political rights and civil liberties (Kaplan, 2020). Without a broad-based, multi-level and sustained effort to support and strengthen the current system, this erosion of rights will continue and accelerate, leaving millions of the world's most vulnerable people without protection from abuses.

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