



CHINA

# BASELINE ASSESSMENT OF R2P IMPLEMENTATION



Asia-Pacific Centre for the  
Responsibility to Protect

 [r2pasiapacific.org](http://r2pasiapacific.org)

 [r2pinfo@uq.edu.au](mailto:r2pinfo@uq.edu.au)

The following Baseline Assessment Annex provides an overview of China's efforts in implementing R2P as of 2019. For a full description of the methodology used in this study, see Part II of 'Implementing the Responsibility to Protect in the Asia Pacific: An Assessment of Progress and Challenges', available [here](#).

# CHINA

Over the past few decades, China has made significant progress in reducing the incidence and risk of atrocity crimes, but it continues to perform weakly in relation to human rights, civil society, and accountability. Like many other states in the region, China performs most poorly ('Very Weak') with respect to the adoption of R2P specific policy mechanisms due to the fact that it has not yet appointed an R2P Focal Point, nor does it appear to incorporate atrocity specific analysis into its foreign aid and defence policies. China also confronts significant challenges with respect to its national resilience to atrocity crimes. In particular, it performs poorly with respect to human rights and the protection of civil society freedoms. China has ratified nine (and signed another) of the twelve key international human rights instruments considered most relevant to R2P. Of particular concern is evidence of declining media and civil society freedom and the arbitrary detention of up to one million Muslim Uighurs.

China's international record is quite mixed. On the positive side, it is an increasingly important contributor of troops to UN peacekeeping, including missions with robust protection of civilians mandates, but it has yet to support the Kigali Principles. China is amongst the world's top financial contributors to United Nations peacekeeping operations, having significantly increased support for peacebuilding over the last decade through the adoption of 'developmental peacebuilding'. China provides troops, police and advisors to numerous peacekeeping operations with a protection of civilian mandate and is in the top contributors of female police peacekeepers. China supports regional organisations and finding regional solutions to regional problems, and has increased financial support to the African

Union to establish an African Standby Force and the African Capacity for Immediate Response to Crisis.

It is an active participant in international debates on R2P, both in the General Assembly and Security Council, though it opposed the inclusion of R2P on the General Assembly's main agenda. It has also participated actively in the Universal Periodic Review of the Human Rights Council. China has also demonstrated a willingness to support action to protect civilians and implement R2P, voting in support of UN Security Council action in Cote d'Ivoire, Yemen, Mali, the Central African Republic and other places.

However, China remains unwilling to support prevention and protection measures that do not enjoy the support of the host state. It blocked collective action to fulfil R2P in Syria and Myanmar, and delayed the imposition of an arms embargo on South Sudan by a number of years, contributing significantly to the international community's failures in those cases. It has looked to limit the scope of the Human Rights Council's work, especially on country situations and including those where atrocity crimes are committed. China has not yet adopted specific R2P or atrocity prevention measures.

# CHINA

Assessment	Indicator
<b>Strong</b>	Protection of populations from atrocity crimes
	Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council
	Ensure a legitimate, effective and civilian controlled security sector
	Participate in international, regional and national discussions on the further advancement of R2P
	Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate)
<b>Fair</b>	Reduction of atrocity crime risks
	Sign, ratify and implement relevant instruments of international law
	Ensure equal access to justice
	Take measures to counter and prevent violent extremism
	Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence
	Prevent nationals committing atrocity crimes overseas
	Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy
	Strengthen the role and capacity of regional organisations
	Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping
<b>Weak</b>	Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination
	Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations
	Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity
	Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect
	Strengthen regional and international networks for atrocity crime prevention
	Support atrocity prevention through development and assistance partnerships
	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P
<b>Very Weak</b>	Dealing with past atrocities
	Appoint national R2P Focal Point
	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect
	Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court

	Establish and maintain National Human Rights Institutions in accordance with the Paris Principles
	Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law
	Conduct a national assessment of risk and resilience
	Cultivate and protect an active, diverse and robust civil society
	Support the development and work of regional human rights and other preventive capacities
	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system
	Support preventive actions on atrocity crimes
	Support the Kigali Principles
	Support UN Security Council veto restraint on issues relating to atrocity prevention



Thematic Area	Indicator	Assessment	Notes
Basic Compliance	Protection of populations from atrocity crimes.	Strong	Chinese citizens, for the most part, are protected from the commission of atrocity crimes. It must be mentioned however that those living in some areas of China, in particular Xinjiang and Tibet, face strong curtailment of their human rights and systematic persecution by the State.
	Reduction of atrocity crime risks.	Fair	The Chinese government's lacklustre adherence to international human rights regimes means there is a significant risk of atrocity crimes being committed against Chinese citizens. The government and security forces have a wide remit to enforce order, and a lack of clear legislation means they may do so with a degree of impunity. Religious and ethnic minorities are at particular risk. <sup>1</sup>
	Dealing with past atrocities.	Very Weak	There is little to no official recognition of past atrocities in China. Government control of the media (see relevant Indicator below) sees discussions on such issues shut down in favour of the Party-led narrative. The Tiananmen Square massacre of 1989 stands as an explicit example, with the government never publicly acknowledging the anniversary of the event, and those who wish to do so marking the occasion subtly due to fear of reprisals. <sup>2</sup>
Policy Mechanisms	Appoint national R2P Focal Point.	Very Weak	China has not appointed a national R2P Focal Point. <sup>3</sup>
	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships.	Very Weak	China has not incorporated atrocity perspectives and analyses into their formal policy processes.
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect.	Very Weak	The Chinese government lacks domestic mechanisms that enable it to be held accountable in upholding its responsibility to protect.
International Human Rights Obligations	Sign, ratify and implement relevant instruments of international law.	Fair	China has ratified nine and signed one further treaty of the key international human rights laws (IHRL) most relevant to R2P. <sup>4</sup> These are:

<sup>1</sup> For example, see: Human Rights Watch (HRW), 2018. *China: Events of 2017*, <https://www.hrw.org/world-report/2018/country-chapters/china-and-tibet>; Cronin-Furman, Kate, 2018. *China Has Chosen Cultural Genocide in Xinjiang – For Now*, <https://foreignpolicy.com/2018/09/19/china-has-chosen-cultural-genocide-in-xinjiang-for-now/>; Caster, Michael, 2018. 'China's crimes against humanity you've never heard of'. *CNN*, 26 July. Available at: <https://edition.cnn.com/2018/07/26/opinions/xinjiang-china-caster-intl/index.html>.

<sup>2</sup> Saiget, Robert J, 2009. 'China faces dark memory of Tiananmen'. *The Sydney Morning Herald*, 31 May. Available at: <https://www.smh.com.au/world/china-faces-dark-memory-of-tiananmen-20090531-brh8.html>.

<sup>3</sup> Global Centre for the Responsibility to Protect (GCR2P), 2017. *Global Network of R2P Focal Points*, [http://www.global2p.org/media/files/regional-breakdown\\_global-network-of-r2p-focal-points.pdf](http://www.global2p.org/media/files/regional-breakdown_global-network-of-r2p-focal-points.pdf).

<sup>4</sup> United Nations Human Rights Office of the High Commissioner (UNOHCHR), n.d. *View the ratification status by country or by treaty*, [https://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx](https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx); United Nations Treaty Collection (UNTC), 2019. 1. *Convention on the Prevention and Punishment of the Crime of Genocide*, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg\\_no=IV-1&chapter=4&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-1&chapter=4&clang=en); UNTC, 2019. 8. *Arms Trade Treaty*, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg\\_no=XXVI-8&chapter=26&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg_no=XXVI-8&chapter=26&clang=en); United Nations High Commissioner for Refugees (UNHCR), 2015. *States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol*, p. 2, <https://www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf>; International Committee of the Red Cross (ICRC), n.d. *Treaties, States Parties and Commentaries: China*, [https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp\\_countrySelected=CN](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp_countrySelected=CN); International Criminal Court, n.d. *The States Parties to the Rome Statute*, [https://asp.icc-cpi.int/en\\_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#C](https://asp.icc-cpi.int/en_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#C).

- *Convention on the Prevention and Punishment of the Crime of Genocide* (Ratification/Accession: 1983).
- *Geneva Conventions* (Ratification/Accession: 1956).
- *Geneva Protocol I* (Ratification/Accession: 1983).
- *International Covenant on Economic, Social and Cultural Rights* [ICESCR] (Ratification/Accession: 2001).
- *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* [CAT] (Ratification/Accession: 1988).
- *Convention on the Elimination of All Forms of Discrimination against Women* [CEDAW] (Ratification/Accession: 1980).
- *Convention on the Elimination of All Forms of Racial Discrimination* [CERD] (Ratification/Accession: 1981).
- *Convention on the Rights of the Child* [CRC] (Ratification/Accession: 1992).
- *1951 Refugee Convention* and its *1967 Protocol* (Ratification/Accession: 1982).

The State is the only permanent member of the Security Council that has not ratified the *International Covenant on Civil and Political Rights* [ICCPR] (Signature date: 1998).

China has expressed reservations concerning aspects of most of the treaties it has ratified. Regarding the *Genocide Convention*, China does not consider itself bound by Article IX, meaning it cannot be referred to the International Court of Justice.<sup>5</sup> It does not recognise paragraph 1 of Article 29 of CEDAW; is not bound by paragraph 1 of Article 30 of CAT and is not bound by Article 22 of CERD.<sup>6</sup>

China has neither signed or ratified the *Rome Statute of the International Criminal Court*<sup>7</sup> or the *Arms Trade Treaty* [ATT].<sup>8</sup>

Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court.	Very Weak	China is not a state party to the <i>Rome Statute of the International Criminal Court</i> .
Establish and maintain National Human Rights Institutions in accordance with the Paris Principles.	Very Weak	While Hong Kong, administered by China, does have an Equal Opportunities Commission (given a 'C' rating by GANHRI), mainland China does not possess a national human rights institution. <sup>9</sup>
Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination.	Weak	Article 4 of the constitution states: "All nationalities in the People's Republic of China are

<sup>5</sup> United Nations Treaty Collection, 2019. *1. Convention on the Prevention and Punishment of the Crime of Genocide*, 'China', [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-1&chapter=4&clang=en#EndDec](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-1&chapter=4&clang=en#EndDec).

<sup>6</sup> UNOHCHR, 2014. *Status of Ratifications Interactive Dashboard*, 'China', <http://indicators.ohchr.org/>.

<sup>7</sup> International Criminal Court, n.d. *The State Parties to the Rome Statute*.

<sup>8</sup> Stavrianakis, Anna and He Yun, 2014. *China and the Arms Trade Treaty: Prospects and challenges*, <https://www.files.ethz.ch/isn/180595/china-and-the-att.pdf>.

<sup>9</sup> Global Alliance of National Human Rights Institutions (GANHRI), 2018. *Chart of the Status of National Institutions*, p. 11, <https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/Status%20Accreditation%20Chart.pdf>.

equal,” and that “Discrimination against and oppression of any nationality...” is prohibited.<sup>10</sup>

The constitution further stipulates that it is the State’s obligation to materially assist those who are old, ill or disabled (Article 45), recognises the equality of men and women in all spheres of life, obligates the State to protect the rights and interests of women (Article 48), and prohibits the maltreatment of old people, women and children (Article 49). However, it does not specifically condemn discrimination.<sup>11</sup>

Despite the incorporation of the principle of non-discrimination in the constitution and other laws, China does not possess a comprehensive anti-discrimination law that protects all marginalised and disadvantaged groups. There is evidence of widespread and persistent discrimination against ethnic minorities, particularly in western regions of the country.<sup>12</sup> Chinese authorities have been accused of ethnic and religious discrimination against Muslim Uighurs and Han Chinese migrants in Xinjiang. Tibetans are also denied basic freedoms of speech, assembly, movement and religion.<sup>13</sup>

In Hong Kong, there is widespread and prevalent discrimination especially against migrants, asylum seekers and refugees. Discrimination based on sexual and gender identity is also prevalent, especially in the areas of employment, education, health care and housing.<sup>14</sup>

<p>Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council.</p>	<p>Strong</p>	<p>China has participated in three cycles of the UPR.<sup>15</sup> In 2014 at its second UPR, China accepted 204 out of 252 recommendations, taking note of the remaining 48. Of interest of the recommendations not accepted were calls by the Republic of Korea and the Czech Republic, respectively, to provide adequate protection to asylum seekers and cross border refugees, and to protect North Korean refugees in accordance with international law.<sup>16</sup></p> <p>China has also been a part of troikas reviewing numerous countries during all three cycles of the UPR so far.<sup>17</sup></p> <p>China currently has two overdue reports, both less than one year (CEDAW and CRC).<sup>18</sup></p>
<p>Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations.</p>	<p>Weak</p>	<p>China has not extended a standing invitation to UN mandate holders. Of the Special Rapporteur visits</p>

<sup>10</sup> People’s Republic of China, The National People’s Congress of the People’s Republic of China. *Constitution of the People’s Republic of China, Chapter 1, Article 4*. Beijing, 2004.

<sup>11</sup> Ibid., *Chapter II, Article 45, 48 and 49*.

<sup>12</sup> United Nations, Economic and Social Council, Committee on Economic, Social and Cultural Rights, Concluding observations on the second periodic report of China, including Hong Kong, China, and Macao, China, 13 June 2014, E/C.12/CHN/CO/2.

<sup>13</sup> HRW, 2016. *China: Events of 2016*, <https://www.hrw.org/world-report/2017/country-chapters/china-and-tibet>.

<sup>14</sup> Ibid.

<sup>15</sup> UNOHCHR, 2018. *Universal Periodic Review – China*, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/CNindex.aspx>.

<sup>16</sup> UPR Info., 2014. *2RP: Responses to Recommendations & Voluntary Pledges, CHINA Second Review, Session 17*, [https://www.upr-info.org/sites/default/files/document/china/session\\_17\\_-\\_october\\_2013/recommendations\\_and\\_pledges\\_china\\_2014.pdf](https://www.upr-info.org/sites/default/files/document/china/session_17_-_october_2013/recommendations_and_pledges_china_2014.pdf).

<sup>17</sup> UNOHCHR, 2018. *UPR Sessions*, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRSessions.aspx>.

<sup>18</sup> UNOHCHR, n.d. *Late and non-reporting States*, [https://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/LateReporting.aspx](https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/LateReporting.aspx).



Ensure equal access to justice.	Fair	<p>and the establishment of Working Groups that have been requested, the majority are so far unfulfilled.<sup>19</sup> Article 33 of the constitution states that “All citizens of the People’s Republic of China are equal before the law.”<sup>20</sup> However, numerous issues regarding equal access to an impartial judiciary remain.</p> <p>Numerous international human rights bodies state that the judiciary continues to be subject to a variety of internal and external controls that significantly limit its ability to engage in independent decision making.<sup>21</sup> Torture, arbitrary detention and other degrading punishment has been reported.<sup>22</sup> The judiciary itself reject the goal of an independent judiciary and the separation of powers.<sup>23</sup></p>
Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity.	Weak	China has no domestic laws specifically designed to criminalise genocide, ethnic cleansing or crimes against humanity. <sup>24</sup>
Take measures to counter and prevent violent extremism.	Fair	In terms of intent to counter violent extremism, Chinese authorities have arrested foreigners and Chinese citizens for allegedly helping the illegal immigration of ethnic Uighurs to fight alongside Islamic militants. The Chinese government has also arrested returning foreign fighters. <sup>25</sup>
Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence.	Fair	<p>Chinese criminal law contains numerous provisions for protecting people from and criminalising sexual and gender-based violence.</p> <p>Rape is illegal with penalties ranging from three years in prison to death, but the law does not address spousal rape.<sup>26</sup> In December 2015 China passed its first national law against domestic violence. It legally defined “... domestic violence as physical and psychological abuse of family members and cohabitating non-family members.”<sup>27</sup> However, this <i>Family Violence Law</i> does not apply to same-sex partnerships nor does it apply to divorced couples or former partners. It also fails to address sexual abuse or economic control.<sup>28</sup></p> <p>Sexual harassment is illegal, but not clearly defined. This makes it difficult for victims to file</p>

<sup>19</sup> UNOHCHR, n.d. *View Country visits of Special Procedures of the Human Rights Council since 1998*,

<https://spinternet.ohchr.org/Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en&country=CHN>.

<sup>20</sup> People’s Republic of China, The National People’s Congress of the People’s Republic of China, *Constitution of the People’s Republic of China, Chapter II, Article 33*.

<sup>21</sup> Cf. U.S. Department of State, 2016. *China (Includes Tibet, Hong Kong, and Macau) 2016 Human Rights Report*, p. 14-18, <https://www.state.gov/documents/organization/265540.pdf>.

<sup>22</sup> Amnesty International, 2015. *China: No End In Sight - Torture And Forced Confessions in China*, <https://www.amnesty.org/en/documents/ASA17/2730/2015/en/>.

<sup>23</sup> Liao, Rebecca, 2017. ‘Judicial Reform in China: How Progress Serves the Party’. *Foreign Affairs*, 2 February. Available at: <https://www.foreignaffairs.com/articles/china/2017-02-02/judicial-reform-china>.

<sup>24</sup> Library of Congress Global Legal Research Center, n.d. *Genocide, Crimes Against Humanity, and War Crimes Jurisdiction*, <https://www.loc.gov/law/help/genocide/chart.php#China.%20People's%20Republic%20of>.

<sup>25</sup> Counter Extremism Project, 2018. *China: Extremism & Counter-Extremism*, <https://www.counterextremism.com/countries/china>.

<sup>26</sup> U.S. Department of State, *China (Includes Tibet, Hong Kong, and Macau) 2016 Human Rights Report*, p. 51.

<sup>27</sup> Chen Tingting, 2016. *China’s First Law Against Domestic Violence: It’s No Longer a Private Matter*, <http://asiafoundation.org/2016/01/20/chinas-first-law-against-domestic-violence-its-no-longer-a-private-matter/>.

<sup>28</sup> Ibid.

	Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law.	Very Weak	<p>sexual harassment complaints and for judges to reach a ruling on such cases.<sup>29</sup></p> <p>Despite signing the <i>1951 Refugee Convention</i> and its associated Protocol, China's policy on refugees and its adherence to international law is ambivalent at best. Regarding North Koreans who flee across the border in an effort to be eventually settled in South Korea, China routinely deports them back to North Korea (see Democratic People's Republic of Korea Baseline Assessment of R2P Implementation for more information). There are over 300,000 refugees in China (mostly from Southeast Asia) as counted by the UN's High Commissioner for Refugees (UNHCR). This number could be substantially higher, as while the State does not ban UNHCR's actions within the country, potentially many more refugees remain undocumented due to governmental restrictions.</p> <p>China has accepted and settled a minimal amount of refugees and does not see taking on refugees as part of its humanitarian duties.<sup>30</sup></p>
Domestic Implementation	<p>Conduct a national assessment of risk and resilience.</p> <p>Cultivate and protect an active, diverse and robust civil society.</p>	<p>Very Weak</p> <p>Very Weak</p>	<p>China has not undertaken a national assessment of atrocity crime risk.</p> <p>Article 35 of the constitution stipulates "Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration". The constitution also permits Chinese citizens to criticise any State organ or functionary, without fear of suppression or retaliation.<sup>31</sup></p> <p>However, in practice China is considered one of the world's most restrictive media environments.<sup>32</sup> China is ranked at 177 (out of 180 countries) in the World Press Freedom Index,<sup>33</sup> and Freedom House classes China's press freedom as 'Not Free'.<sup>34</sup></p> <p>RSF provides various examples of journalists, bloggers and human rights activists being arrested for antagonising the ruling Communist Party and allegedly forced to give confession, which is then broadcasted by the state-owned television broadcaster.<sup>35</sup></p> <p>Freedom of assembly is also severely restricted, particularly in regards to expression dissenting</p>

<sup>29</sup> U.S. Department of State, *China (Includes Tibet, Hong Kong, and Macau) 2016 Human Rights Report*, p. 53.

<sup>30</sup> Lesh, Jonathan, 2017. 'To Be a Global Leader, China Needs a New Refugee Policy'. *The Diplomat*, 22 July. Available at: <https://thediplomat.com/2017/07/to-be-a-global-leader-china-needs-a-new-refugee-policy/>; Varrall, Merriden, 2017. 'How China views the plight of refugees.' *The Interpreter*, 5 July. Available at: <https://www.lowyinstitute.org/the-interpreter/how-china-views-plight-refugees>.

<sup>31</sup> People's Republic of China, The National People's Congress of the People's Republic of China, *Constitution of the People's Republic of China Chapter II, Articles 35 and 41*.

<sup>32</sup> Freedom House, 2016. *China: Freedom of the Press, 2016*, <https://freedomhouse.org/report/freedom-press/2016/china>.

<sup>33</sup> Reporters Without Borders (RSF), 2019. *2019 World Press Freedom Index*, <https://rsf.org/en/ranking>.

<sup>34</sup> Freedom House, 2017. *Freedom of the Press 2017: China Profile*, <https://freedomhouse.org/report/freedom-press/2017/china>.

<sup>35</sup> For examples of detention and harassment, both in China and overseas, see the following links:

- <https://rsf.org/en/news/28102016-28012017-citizen-journalist-completes-third-month-prison-chinese-new-year>
- <https://rsf.org/en/news/journalist-still-under-house-arrest-cannot-receive-treatment-abroad>
- <https://rsf.org/en/news/rsf-demands-release-five-citizen-journalists-arrested-during-g20>
- <https://rsf.org/en/news/beijing-pursues-relentless-crackdown-free-speech>
- <https://rsf.org/en/news/china-pursues-journalists-and-dissidents-overseas>

			political views. <sup>36</sup> Where such (legal) demonstrations do occur, they are broken up quickly, sometimes with excessive force. <sup>37</sup>
			NGOs must register with the public security authorities and comply with funding restrictions and reporting obligations. <sup>38</sup>
	Ensure a legitimate, effective and civilian controlled security sector.	Strong	The civilian authorities in China maintain control over their security and military forces. Officials can be prosecuted for abuses of power; however, such charges are rarely pursued. Due to paucity of data, the degree of impunity within the security forces is unknown, but social media reports suggest there is a prevalence of unchecked abuse. <sup>39</sup> China has renewed efforts to crack down on internal political dissent on levels described by some as unprecedented, evidencing the use of security forces to enforce regime superiority. <sup>40</sup>
	Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness.	Weak	The constitution stipulates all Chinese citizens have the right and hold a duty to receive an education. <sup>41</sup>  China has ratified the <i>Convention against Discrimination in Education</i> . <sup>42</sup> However, concern has been expressed over discrimination against ethnic minorities, migrant workers, (particularly rural) women and persons with HIV/AIDS regarding access to education. <sup>43</sup>
	Prevent nationals committing atrocity crimes overseas.	Fair	As already mentioned, China has not signed the <i>Rome Statute</i> . However, it has taken steps to prosecute returning foreign fighters. <sup>44</sup>
Bilateral and Multilateral Relations	Participate in international, regional, and national discussions on the further advancement of R2P.	Strong	China has participated in all the UN General Assembly Informal Interactive Dialogues on R2P. <sup>45</sup> Regionally, there has been four China-Australia Dialogues on the Responsibility to Protect (2015, 2016, 2017 and 2018), which is hosted by the China Institute of International Studies (administered by the Ministry of Foreign Affairs). <sup>46</sup>
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage	Weak	China has been a member of the UN Human Rights Council three times: 2006-2009, 2009-2012 and

<sup>36</sup> U.S. Department of State, *China (Includes Tibet, Hong Kong, and Macau) 2016 Human Rights Report*, p.35.

<sup>37</sup> Ibid., p. 36; Cf. Salvatore Babones, 2017. *Red Alert for China's pollution protesters*,

<http://www.aljazeera.com/indepth/opinion/2017/02/red-alert-china-pollution-protesters-170217111717375.html>

<sup>38</sup> Brookings, 2016. *The state of NGOs in China today*, <https://www.brookings.edu/blog/up-front/2016/12/15/the-state-of-ngos-in-china-today/>.

<sup>39</sup> U.S. Department of State, *China (Includes Tibet, Hong Kong, and Macau) 2016 Human Rights Report*, p. 1.

<sup>40</sup> Makinen, Julie, 2016. 'China's crackdown on dissent is described as the harshest in decades', *Los Angeles Times*, 10 August. Available at: <http://www.latimes.com/world/asia/la-fg-china-crackdown-snap-story.html>.

<sup>41</sup> People's Republic of China, The National People's Congress of the People's Republic of China, *Constitution of the People's Republic of China Chapter II, Article 46*.

<sup>42</sup> United Nations Education, Scientific and Cultural Organisation (UNESCO), 2014. *Education Systems in ASEAN+6 Countries: A Comparative Analysis of Selected Educational Issues*, p.8, <http://unesdoc.unesco.org/images/0022/002267/226757E.pdf>.

<sup>43</sup> UNOHCHR, 2014. *Concluding observations on the second periodic report of China, including Hong Kong, China, and Macao, China*, 'Non-discrimination', 'Household registration system', 'Equal treatment of men and women', and 'Persons with HIV/AIDS', <http://uhri.ohchr.org/Document/File/74753227-9fec-4288-a1b1-c89dee22cb43/e35c7f38-6872-4286-bb27-20e089e9a31b>.

<sup>44</sup> Duchatel, Mathieu, 2019. *China's Foreign Fighters Problem*, <https://warontherocks.com/2019/01/chinas-foreign-fighters-problem/>.

<sup>45</sup> GCR2P, 2016. *Summaries of UN General Assembly Interactive Dialogues on R2P*, <http://www.globalr2p.org/resources/897>. (See individual overviews of UNGA meetings on R2P).

<sup>46</sup> For example: Asia Pacific Centre for the Responsibility to Protect (APR2P), 2018. *Spotlight on R2P: Peacekeeping and Accountability for Atrocity Prevention, The Forth Annual China-Australia Dialogue on the Responsibility to Protect*, [https://r2pasiapacific.org/files/623/spotlight\\_jul2018\\_issue45\\_4th\\_chna-us\\_dialogue\\_peacekeeping\\_accountability\\_for\\_prevention.pdf](https://r2pasiapacific.org/files/623/spotlight_jul2018_issue45_4th_chna-us_dialogue_peacekeeping_accountability_for_prevention.pdf).

States to fulfil their responsibility to protect.

2013-2016.<sup>47</sup> During this time, it voted on the following resolutions relevant to atrocity prevention.

#### **Human Rights Council Resolutions<sup>48</sup>**

- A/HRC/RES/S-18/1: **voted against.**
- A/HRC/RES/19/22: **voted against.**
- A/HRC/RES/S-19/1: **voted against.**
- A/HRC/21/26: **voted against.**
- A/HRC/25/23: **voted against.**
- A/HRC/RES/26/23: **voted against.**
- A/HRC/RES/27/16: **voted against.**
- A/HRC/RES/30/10: **voted against.**
- A/HRC/RES/31/17: **voted against.**
- A/HRC/RES/32/25: **voted against.**
- A/HRC/RES/33/19: **abstained.**
- A/HRC/RES/33/23: **voted against.**

#### **United Nations Security Council Resolutions**

As a permanent member of the Security Council, China has voted extensively on resolutions regarding atrocity prevention and the protection of civilians. Examples include:

- S/RES/1653: **yes.**
- S/RES/1674: **yes.**
- S/RES/1706: **abstained.**
- S/RES/1894: **yes.**
- S/RES/1970: **yes.**
- S/RES/1973: **abstained.**
- S/RES/1975: **yes.**
- S/RES/1996: **yes.**
- S/RES/2014: **yes.**
- S/RES/2016: **yes.**
- S/RES/2040: **yes.**
- S/RES/2085: **yes.**
- S/RES/2093: **yes.**
- S/RES/2095: **yes.**
- S/RES/2100: **yes.**
- S/RES/2109: **yes.**
- S/RES/2117: **yes.**
- S/RES/2121: **yes.**
- S/RES/2127: **yes.**
- S/RES/2134: **yes.**
- S/RES/2139: **yes.**
- S/RES/2149: **yes.**
- S/RES/2150: **yes.**
- S/RES/2155: **yes.**
- S/RES/2165: **yes.**
- S/RES/2170: **yes.**
- S/RES/2171: **yes.**
- S/RES/2185: **yes.**
- S/RES/2187: **yes.**
- S/RES/2196: **yes.**
- S/RES/2206: **yes.**
- S/RES/2211: **yes.**
- S/RES/2217: **yes.**

<sup>47</sup> UNOHCHR, 2018. *List of past members of the Human Rights Council*, <http://www.ohchr.org/EN/HRBodies/HRC/Pages/PastMembers.aspx>.

<sup>48</sup> GCR2P, 2016. *Human Rights Council Resolutions Referencing R2P*, <http://www.globalr2p.org/resources/977>. (Voting records are listed in each resolution).

- S/RES/2220: **abstained.**
- S/RES/2223: **yes.**
- S/RES/2227: **yes.**
- S/RES/2228: **yes.**
- S/RES/2237: **yes.**
- S/RES/2241: **yes.**
- S/RES/2250: **yes.**
- S/RES/2252: **yes.**
- S/RES/2254: **yes.**
- S/RES/2258: **yes.**
- S/RES/2262: **yes.**
- S/RES/2277: **yes.**
- S/RES/2286: **yes.**
- S/RES/2288: **yes.**
- S/RES/2290: **yes.**
- S/RES/2295: **yes.**
- S/RES/2296: **yes.**
- S/RES/2301: **yes.**
- S/RES/2304: **abstained.**
- S/RES/2317: **abstained.**
- S/RES/2327: **yes.**
- S/RES/2332: **yes.**
- S/RES/2339: **yes.**
- S/RES/2340: **yes.**
- S/RES/2348: **yes.**

#### UN General Assembly Resolutions<sup>49</sup>

China has voted against all resolutions that have referenced R2P.

Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy.	Fair	In 2016 China was the 39 <sup>th</sup> largest contributor to the UN High Commissioner for Refugees (US\$2,808,971) whilst private donors in China were the 35 <sup>th</sup> largest contributor (US\$5,236,533). <sup>50</sup> China contributed US\$800,000 to the UNOHCHR in 2015, <sup>51</sup> but was not part of the lists of voluntary contributors in 2016 <sup>52</sup> or 2017. <sup>53</sup>
Strengthen regional and international networks for atrocity crime prevention.	Weak	China donated US\$1.86 million to UN Women in 2016. <sup>54</sup> Chinese delegates participate in an annual dialogue with APR2P on R2P. <sup>55</sup> The country has not however, participated in official government-to-government diplomacy about atrocity prevention.
Strengthen the role and capacity of regional organisations.	Fair	China has supported the growth in capacity of regional organisations particularly in the Asia Pacific. <sup>56</sup> Chinese efforts seem to move towards a goal of creating a stable and prosperous region which in turn, will allow China's own development

<sup>49</sup> GCR2P, 2017. *UN General Assembly Resolutions Referencing R2P*, <http://www.globalr2p.org/resources/1133>. (Voting records for each resolution accessed using the UNGA's voting records search, available at: <http://www.un.org/en/ga/documents/voting.asp>).

<sup>50</sup> UNHCR, 2016. *Contributions to UNHCR for the budget year 2016 (as at 30 September 2016, in US dollars)*, <http://www.unhcr.org/575e74567.html>

<sup>51</sup> UNOHCHR, 2015. *Donor Profiles*, p.105, [http://www2.ohchr.org/english/OHCHRReport2015/allegati/8\\_Donor\\_profiles\\_2015.pdf](http://www2.ohchr.org/english/OHCHRReport2015/allegati/8_Donor_profiles_2015.pdf).

<sup>52</sup> UNOHCHR, 2016. *Voluntary contributions to OHCHR in 2016*, <http://www.ohchr.org/Documents/AboutUs/FundingBudget/VoluntaryContributions2016.pdf>.

<sup>53</sup> UNOHCHR, 2017. *Voluntary contributions to OHCHR in 2017 as at 13 April*, <http://www.ohchr.org/Documents/AboutUs/FundingBudget/VoluntaryContributions2017.pdf>.

<sup>54</sup> UN Women, 2016. *Top Contributions*, [http://www.unwomen.org/en/partnerships/donor-countries/top\\_contributions](http://www.unwomen.org/en/partnerships/donor-countries/top_contributions).

<sup>55</sup> See for example: APR2P, 2018. *Spotlight on R2P: The Fourth Annual China-Australia Dialogue on the Responsibility to Protect*, [https://r2pasiapacific.org/files/623/spotlight\\_jul2018\\_issue45\\_4th\\_chna-aus\\_dialogue\\_peacekeeping\\_accountability\\_for\\_prevention.pdf](https://r2pasiapacific.org/files/623/spotlight_jul2018_issue45_4th_chna-aus_dialogue_peacekeeping_accountability_for_prevention.pdf).

<sup>56</sup> Foreign Ministry of the People's Republic of China, 2017. *Deepen Regional Cooperation in Asia With Renewed Confidence*, [https://www.fmprc.gov.cn/mfa\\_eng/wjdt\\_665385/zjyh\\_665391/t1448887.shtml](https://www.fmprc.gov.cn/mfa_eng/wjdt_665385/zjyh_665391/t1448887.shtml).



			to continue with less risk. <sup>57</sup> The rising influence of China within the region has meant established powers, such as Australia and New Zealand, have begun to re-establish and strengthen defence and security ties within Asia and especially the Pacific. <sup>58</sup>
			Power politics aside, China's investment and involvement in regional organisations is set to continue.
	Support the development and work of regional human rights and other preventive capacities.	Very Weak	China does very little to support human rights domestically, and the same applies to regional initiatives.
	Support atrocity prevention through development and assistance partnerships.	Weak	In recent years China has increased its development assistance to many countries, most notably through the Belt and Road Initiative, particularly in the Asia Pacific and in Africa. It is now the largest contributor of 'south-south' assistance including financing, technical assistance and capacity building. <sup>59</sup> However, there is no evidence of resources being directly provided for atrocity prevention.
United Nations, prevention, Peacekeeping, and assistance	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P.	Weak	In its 2009 statement at the UN Informal Interactive Dialogue on R2P, China questioned whether there was a need for early warning and assessment. <sup>60</sup> However, in its 2014 statement, the Chinese delegation stipulated that "States should increase their investment in early prevention and in conflict resolution and to mediate conflict to resolve differences." <sup>61</sup>  In short, despite the initial reservations it may have had in fully backing a UN early warning system, China does endorse early warning systems at the regional level. <sup>62</sup>  It should, however, be noted that China abstained from voting in support of the Fifth Committee of the General Assembly to fund three additional posts in the Office of the Special Adviser on the Prevention of Genocide. <sup>63</sup>
	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system.	Very Weak	China has done little to further human rights and, in turn, atrocity prevention capacities. There is evidence that China's role in the international human rights architecture is used by the

<sup>57</sup> Cheng, Y. S. Joseph, 2013. 'China's Regional Strategy and Challenges in East Asia'. *China Perspectives*, no. 2013/2, p. 53-65.

<sup>58</sup> For example: Riordan, Primrose, 2018. 'Pacific pact to strengthen regional security and counter China push'. *The Australian*, 6 July. Available at: <https://www.theaustralian.com.au/nation/foreign-affairs/pacific-pact-to-strengthen-regional-security-and-counter-china-push/news-story/c656bf99bf66eec7372459d562c307e3>. See also: Australian Department of Defence, 2016. *2016 Defence White Paper*, p. 53-61, <http://www.defence.gov.au/WhitePaper/Docs/2016-Defence-White-Paper.pdf>.

<sup>59</sup> For more information, see: United Nations Development Program (UNDP), 2017. *China-UNDP South-South and Global Partnership 2016 Highlights*, <https://www.cbd.int/financial/2017docs/china-ssc2016.pdf>; AidData, 2019. *China Research by AidData*, <https://www.aiddata.org/china>. (The interactive map shows the location and magnitude of Chinese investments.)

<sup>60</sup> GCR2P, 2009. *Statement by Ambassador Liu Zhenmin At the Plenary session of the General Assembly on the Question of "Responsibility to Protect"*, p. 2, <http://www.globalr2p.org/media/files/china-2009-r2p-debate.pdf>.

<sup>61</sup> GCR2P, 2014. *Statement by the People's Republic of China at the Informal Interactive Dialogue on R2P [Transcribed]*, <http://www.globalr2p.org/media/files/peoples-republic-of-china.pdf>.

<sup>62</sup> Teitt, Sarah, 2008. *China and the Responsibility to Protect*, p. 20, [https://r2pasiapacific.org/files/451/china\\_and\\_r2p\\_2008\\_report.pdf](https://r2pasiapacific.org/files/451/china_and_r2p_2008_report.pdf).

<sup>63</sup> United Nations, General Assembly, Harmonizing Staff Working Conditions, Strengthening UN Information Technology among Issues, as Budget Committee Approves 18 Texts, Concludes Session, 23 December 2010, GA/AB/3980. Cf. International Coalition for the Responsibility to Protect (ICRtoP), 2011. *UN GA votes to fund three additional staff in the Office of the Special Adviser on the Prevention of Genocide*, <http://www.responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/3150-un-ga-votes-to-fund-three-additional-staff-in-the-office-of-the-special-adviser-on-the-prevention-of-genocide>.

		government to direct criticism away from its lacklustre human rights record. <sup>64</sup>
Support preventive actions on atrocity crimes.	Very Weak	While China has warmed up to the idea of early warning mechanisms and has supported diplomatic actions to prevent the onset of violence, the State has shown little concrete action beyond rhetoric. <sup>65</sup>
Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate).	Strong	China is one of the world's largest contributors to peacekeeping missions, ranked at 11 in early 2019. <sup>66</sup> Of the eight missions Chinese peacekeepers have a presence in, four have a protection of civilians mandate (MONUSCO, UNAMID, UNIFIL and UNMISS). <sup>67</sup> In 2016, China was the second-largest financial contributor to peacekeeping operations. <sup>68</sup>
Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping.	Fair	China is in the top five countries for contributing a proportion of women for police peacekeeping roles. <sup>69</sup> China has stated that it will provide technical assistance to countries in need, including providing US\$100 million of free military assistance to the African Union over the next five years. This assistance will go towards supporting the establishment of the African Standby Force and the African Capacity for Immediate Response to Crisis. <sup>70</sup>
Support the Kigali Principles.	Very Weak	China has not signed the Kigali Principles. <sup>71</sup>
Support UN Security Council veto restraint on issues relating to atrocity prevention.	Very Weak	China is not a signatory to the Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes, <sup>72</sup> nor has it signed the declaration to support the "French/Mexican initiative on Veto restraint in case of Mass atrocities". <sup>73</sup>

<sup>64</sup> For example: Piccone, Ted, 2018. 'China's Long Game on Human Rights at the United Nations'. *Brookings Institute*, September 2018. Available at: [https://www.brookings.edu/wp-content/uploads/2018/09/FP\\_20181009\\_china\\_human\\_rights.pdf](https://www.brookings.edu/wp-content/uploads/2018/09/FP_20181009_china_human_rights.pdf); Amnesty International, 2019. *China: Blatant Disregard of UN Human Rights Experts' Recommendations*, <https://www.amnesty.org/en/documents/asa17/0020/2019/en/>.

<sup>65</sup> For example: GCR2P, 2015. *Statement of the People's Republic of China - Informal Interactive Dialogue on R2P*, 8 September 2015, <http://www.globalr2p.org/media/files/china-1.pdf>.

<sup>66</sup> United Nations Peacekeeping. 2019. *Troop and Police contributing Countries*. <https://peacekeeping.un.org/en/troop-and-police-contributors>.

<sup>67</sup> United Nations Peacekeeping, 2019. *Summary of Contributions to UN Peacekeeping by Country, Mission and Post*, p. 10-11, [https://peacekeeping.un.org/sites/default/files/3\\_country\\_and\\_mission\\_13.pdf](https://peacekeeping.un.org/sites/default/files/3_country_and_mission_13.pdf).

<sup>68</sup> United Nations Peacekeeping, 2017. *How we are funded*, <http://www.un.org/en/peacekeeping/operations/financing.shtml>.

<sup>69</sup> Karim, S. and Beardsley, K., 2017. *Equal Opportunity Peacekeeping: Women, Peace, and Security in Post- Conflict States*. Oxford University Press, p. 39.

<sup>70</sup> UNGA, 2015. *Working Together to Forge a New Partnership of Win-win Cooperation and Create a Community of Shared future for Mankind: Statement by H.E. Xi Jinping President of the People's Republic of China At the General Debate of the 70th Session of the UN General Assembly*, p.6, [https://gadebate.un.org/sites/default/files/gastatements/70/70\\_ZH\\_en.pdf](https://gadebate.un.org/sites/default/files/gastatements/70/70_ZH_en.pdf)

<sup>71</sup> APR2P, 2018. *The Kigali Principles on the Protection of Civilians*, [https://r2pasiapacific.org/files/2942/2018\\_kigali\\_principles.pdf](https://r2pasiapacific.org/files/2942/2018_kigali_principles.pdf).

<sup>72</sup> GCR2P, 2017. *List of Signatories to the ACT Code of Conduct*, <http://www.globalr2p.org/media/files/2017-01-25-coc-list-of-supporters.pdf>.

<sup>73</sup> GCR2P, 2016. *List of Supporters of the Political Declaration on Suspension of Veto*. <http://www.globalr2p.org/media/files/veto-list.pdf>.