

Delegation from The People's Republic of China
Position Paper for the Human Rights Council

The issues to be discussed before the Human Rights Council (HRC) are: Combatting Racism, Racial Discrimination, Xenophobia, and Related Violence and Business and Human Rights. Sharing the strong commitment to the advancement of human rights throughout the world, the People's Republic of China remains steadfast in its efforts to ensure a better future for all people. In the words of former Chinese Premier Li Peng: "Development of human rights is an important aspect of social development of all countries. It is also a never-ending, historical process."

I. Combatting Racism, Racial Discrimination, Xenophobia, and Related Violence

China is deeply committed to expanding international cooperation for the advancement of human rights. Discrimination of and xenophobia against Asians and people of Asian descent has been a prominent issue for centuries. However, with the origin of the new SARS-Coronavirus being generally alleged to be in Eastern Asia, the number of racially motivated verbal and physical attacks against people of the afore-mentioned groups living in other regions of the world has surged dramatically. These highly condemnable aggressions include, but are not limited to, attacks against people on the street as well as against property owned by Asians and people of Asian descent, bullying in schools, workplace discrimination, as well as hatred online, especially on social media platforms. Another omnipresent problem in the fight against racism and xenophobia is the dark figure of unreported cases of verbal and physical violence. China is thus highly alarmed at this rise of reported instances racist and xenophobic violence targeting specific groups of society and stresses the utmost importance of addressing them, as well as reducing the number of unreported aggressions. While the rising general awareness and respective reports by Non-Governmental Organizations (NGOs) like Human Rights Watch further increasing awareness towards these issues, as well as respective statements from the United Nations (UN) Secretary General and the UN High Commissioner for Human Rights (UNCHR) are appreciated, the necessity of finding a solution in this regard is strongly emphasized. This necessity explicitly also arises from conspiracy theories and xenophobic content further stigmatizing Asians and people of Asian descent as well as other groups of minorities being spread online, which China has addressed successfully by taking a zero-tolerance stance on the proliferation of such harmful content online and, in particular, on social media platforms.

The *Universal Declaration of Human Rights* (1948) serves as the foundation of international efforts to advance human rights and remains immensely important to this day, with China deeming the applicability of human rights to every person (Article 2), the right to life, liberty, and security (Article 3), and the right to protection against discrimination and incitement to such (Article 7) to be especially relevant in view of the issues at hand. Furthermore, the *Durban Declaration and Programme of Action* (DDPA) adopted in 2001 in the context of the World Conference against Racism constitutes another important backbone in the fight against racial discrimination, racism, and xenophobia by proposing practical measures to counter the afore-mentioned issues and following a victim-centered approach. In connection with the rising anti-Asian attacks, China appreciates the explicit acknowledgement of Asians and people of Asian descent as victims of racism and racial discrimination. The complaint procedure against violations of human rights, as introduced with HRC resolution 5/1 of 2007 is an important tool in this connection. However, in its current form it lacks the ability of providing victims with immediate help, rendering it ineffective. China also expresses its agreement with the findings of the Special Rapporteur's 2014 and 2017 reports on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance (reports A/HRC/26/49 and A/HRC/35/41, respectively), particularly concerning the necessity of collecting additional data for successfully countering rising numbers of racially charged violations of human rights and the recommendation of creating additional measures for registering and investigating instances of racist and xenophobic aggressions on online platforms.

Notwithstanding the importance of the above-identified documents, China stresses the need for implementing effective, victim-centered approaches – as stipulated in the DDPA – in response to the wave of racist and xenophobic violence against Asians and people of Asian descent in the wake of the global pandemic, particularly online. With the objective of reversing the trend of such instances of violence occurring more and more often, the HRC should recommend the following: Member states should develop and implement national action plans to effectively counter the spreading of harmful content on online platforms. These national action plans should, preferably, contain national online reporting tools for submitting reports about racist and xenophobic violence to the appropriate national

institutions. The HRC should further recommend for more determined action to be taken by national governments and regional actors when it comes to xenophobic comments and conspiracy theories being spread online. Such decisive action in this regard, e.g., a deletion of such content, would prevent uncontrolled proliferation of xenophobic comments and conspiracy theories across online platforms, with comparable measures having been proven to pose as an effective countermeasure with regards to the same. With enough public awareness towards such national programs and tools, the lack of sufficient data on racist and xenophobic attacks could also be tackled and a reduction of the dark figure of unreported cases could be achieved.

II. Business and Human Rights

The COVID-19 pandemic continues to have an immensely detrimental effect on the global economy and on businesses worldwide, with almost every state experiencing the heavy impact of reduced global trade and restrictions imposed to counter the health effects of the virus as well as rising unemployment. In view of the afore-mentioned issues, China is deeply concerned about projections made by the International Labour Organization (ILO) regarding an expected unemployment of 207 million people in 2022, compared to 186 million people in 2019. This is directly linked to an increase in extreme poverty, an issue the world, and with that China, has committed to ending by 2030 in the context of Sustainable Development Goal (SDG) 1: ending poverty in all its forms everywhere. Having joined or ratified 26 international human rights treaties, as well as recently having successfully eradicated extreme poverty on a national basis, China has been at the forefront of advancing human rights, particularly in connection with advancing subsistence and development to alleviate poverty worldwide and stands strongly committed towards this goal. In order for human rights to be fully implemented in connection with business and work, the HRC should actively work towards the reduction of unemployment and extreme poverty. Since the previously identified problems are disproportionately affecting people in developing countries, efforts of implementing the right to development should have a particular focus on these regions. Considering the above-identified issues, it is China's firm belief that supporting people worldwide in the effort of achieving sustainable economic development will be the key to a true realization of human rights and to achieving SDG 1, especially in view of the findings of the *2020 Global Multidimensional Poverty Index (MPI)*, which projects that progress of eliminating poverty across 70 developing countries could be set back by as much as 3-10 years.

China highlights the importance of the *Universal Declaration of Human Rights* adopted in 1948 as the most important groundwork for advancing human rights in relation to business, with Article 23 recognizing every person's right to work and to protection against unemployment. Adopted with resolution 41/128 (1986), the General Assembly (GA) proclaimed the *Declaration on the Right to Development*, constituting that development is an inalienable human right. The implementation of this human right should, in the view of China, be in the direct focus of the international community. Additionally, also the *2030 Agenda for Sustainable Development*, adopted by the General Assembly in 2015 (A/RES/70/1) is recognized as being crucial for working towards a worldwide alleviation of poverty. The *2020 Global Multidimensional Poverty Index (MPI)* published by the United Nations Development Programme (UNDP) sheds light on the impact of COVID-19 on the implementation of SDG 1. China further emphasizes the importance of HRC declaration 41/19 (2019), in which the HRC acknowledged development as being the basis for an improvement of living standards and that the same thus directly contributes to the enjoyment of all human rights. In view of the above, the HRC should urgently put additional focus on the implementation of economic human rights.

Alleviating poverty and furthering development are inseparably linked to the implementation of human rights in businesses. In response to the highly adverse effects of the COVID-19 pandemic and in its strong commitment to advancing the implementation of human rights, China proposes to organize a conference together with the OHCHR in the Chinese capital of Beijing with the purpose of developing an international program which is to be specifically targeted at implementing human rights with a focus on the right to development. Developing such a program is essential if SDG 1 is to be fulfilled by 2030, as stipulated in the 2030 Agenda for Sustainable Development. This conference, to which all Member States - and explicitly all developing countries - shall be invited should be held at the earliest convenience in view of the urgency of the topic at hand. The resulting plan of action, called Program for Advancing the Human Right to Development (PAHRD), would be under the supervision of the OHCHR who should conduct a regular review process concerning the state of effectiveness and implementation of the program.