

113TH CONGRESS
1ST SESSION

H. RES. 327

Expressing the sense of the House of Representatives regarding China's membership in the United Nations Human Rights Council (UNHRC).

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2013

Mr. BENTIVOLIO submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Expressing the sense of the House of Representatives regarding China's membership in the United Nations Human Rights Council (UNHRC).

Whereas the United States endorsed the Charter of the United Nations and the Universal Declaration of Human Rights, and is a party to the Convention Against Torture and the International Covenant on Civil and Political Rights, and other relevant human rights instruments;

Whereas the People's Republic of China has ratified or signed the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights;

Whereas all United Nations Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfill the obligations they have undertaken under the various international instruments in this field;

Whereas the People's Republic of China has continually flouted its obligations under those instruments, by actions such as its pervasive use of torture, extra-judicial execution, slave labor, cultural degradation, and routine refoulement of refugees from North Korea despite the extreme likelihood that they will suffer torture and other inhuman treatment, in violation of China's obligations as a signatory of the Convention Against Torture;

Whereas General Assembly Resolution 60/251 of March 15, 2006, states that the United Nations General Assembly may suspend the rights of membership in the United Nations Human Rights Council (UNHRC) of any member of the Council that commits gross and systematic violations of human rights, which manifests the incompatibility of such a United Nations Member State and membership on the UNHRC;

Whereas the Government of the People's Republic of China continues to unlawfully imprison and abuse Nobel Peace Prize laureate Liu Xiaobo, and hold his wife Liu Xia under harsh house arrest;

Whereas the People's Republic of China has "disappeared" and severely mistreated prominent human rights lawyer Gao Zhisheng, who went missing while in the custody of public security officials in February 2009, and is now imprisoned in China;

Whereas the Government of the People's Republic of China brutalized and imprisoned blind, human rights attorney Chen Guancheng, who is now living free in the United States only because of strong demands for his liberty by both the United States Department of State and Congress, while China continues to abuse, incarcerate, or prosecute his innocent relatives, such as his nephew Chen Kegui;

Whereas the Government of the People's Republic of China imprisons, tortures, intimidates, and harasses individuals of various faiths for peacefully practicing their chosen religion, including members of the Protestant and Catholic faiths, such as Ms. Yang Rongli, leader of a persecuted Protestant "house church", who is serving an 8-year sentence for "assembling a mob", and Uyghur religious leader Abdukerim Abduveli;

Whereas the Government of the People's Republic of China, in its campaign to "reform" practitioners of Falun Gong and to entirely extinguish that religion systematically uses long imprisonment, torture, and other inhumane treatment of practitioners and their family members, often resulting in death, "solely because of adherence to their personal beliefs", as stated in the prior near-unanimous 2010 House Resolution 605, including Cao Dong, who has been detained on 4 separate occasions for a total of 10 years, and has been tortured severely during that time, and Dr. Charles Lee, a United States citizen who was released after years of imprisonment and torture only because of pressure by United States officials and human rights groups;

Whereas the Government of the People's Republic of China brutally represses the cultural, educational, linguistic,

and religious rights of ethnic minorities, using torture, beatings, imprisonment, and inhumane treatment, as illustrated by its violent actions against Uyghurs, Mongols, such as Mr. Hada, who is still detained after serving an unlawful 15-year sentence and whose wife and son recently have been “disappeared”, and against Tibetans, such as Tenzin Delek Rinpoche, a monk sentenced to life imprisonment, which persecution has, in the case of Tibetans, also induced numerous desperate monks to self-immolate;

Whereas the Government of the People’s Republic of China systematically denies its citizens freedom of expression and has incarcerated at least 24 Chinese journalists, including Uyghur journalist Gheyret Niyaz, who was sentenced to 15 years’ imprisonment for publishing articles and giving an interview criticizing government persecution;

Whereas hundreds of thousands of Chinese dissidents and political prisoners have suffered from the Government of the People’s Republic of China’s use of illegal forms of detention, including prolonged isolation through house arrest without legal grounds, detention in unofficial “black prisons”, incarceration without medical basis in “psychiatric institutions”, and forced participation in brutal “re-education programs”;

Whereas the United States Department of State has designated the People’s Republic of China as a “Country of Particular Concern” in regard to human rights violations every single year since 1999, including its consistent reporting of such violations in China, and in special sections on Tibet, Hong Kong, and Macau;

Whereas the United States Commission on International Religious Freedom has continuously reported China's systematic and egregious violations of religious freedom, and the Congressional-Executive Commission on China has constantly found, and continues to find, systematic and gross violations of human rights by China;

Whereas independent human rights organizations such as Amnesty International, Freedom House, and Human Rights Watch have all documented similar horrific human rights violations by the People's Republic of China;

Whereas many of the human rights violations committed by the Government of the People's Republic of China are also in violation of its own constitution and statutes, which have often been subordinated to such catch-all statutes as section 105 of China's criminal code for "incitement to subvert state power", a law that is improperly used by China's repressive regime, and which provisions also are undermined by more recent enactments of criminal procedure laws depriving accused persons of fair trial on false charges;

Whereas during its previous membership on the UNHRC, the People's Republic of China repeatedly opposed and tried to impede efforts supported by the United States to effectively monitor or reduce human rights abuses in other countries;

Whereas when the People's Republic of China submitted its last required self-assessment of its claimed compliance with its obligations under the Convention Against Torture, that report was roundly disputed by international human rights groups as to its accuracy and omissions;

Whereas the UNHRC's Universal Periodic Review, in which all United Nations Member States must participate, is based upon the Member's compliance with its obligations and commitments under the United Nations Charter, the Universal Declaration of Human Rights, and other human rights instruments to which it is a party;

Whereas the State Under Review has the responsibility to implement all recommendations contained in the final review report, but the UNHRC's Mid-Term Implementation Assessment indicated that the People's Republic of China had failed to implement 71 of the 138 UNHRC recommendations from its initial 2009 Universal Periodic Review for China;

Whereas the above-mentioned human rights violations and the many others systematically inflicted by the Government of the People's Republic of China, as well as its prior efforts to undermine the work of the Council and to hinder the Committee Against Torture, are blatantly incompatible with membership on the UNHRC;

Whereas United States policy acknowledges that the United States and China have overlapping interests to pursue cooperatively, but also acknowledges the United States' obligation to stand up for universal human rights and to speak out against their brutal repression;

Whereas in the past, the United States has been able to negotiate arms control and trade agreements with other countries while continuing to press them for human rights reform;

Whereas the House of Representatives acknowledges the United States friendship with the Chinese people and the goal of pursuing shared national interests in combating

true terrorism, promoting economic stability, and the nonproliferation of nuclear weapons, but also remains gravely concerned about these gross and systematic violations of human rights by the Government of the People's Republic of China;

Whereas countries that have openly confronted the human rights abuse by the People's Republic of China, such as Norway, which awarded the Nobel Peace Prize to Liu Xiaobo over China's strong objection, Australia, which sharply criticized its treatment of Tibetans, and the European Union, which condemned human rights abuse in China at the UNHRC meetings, all subsequently enjoyed marked trade increases with China;

Whereas the currently publicized "reforms" in the People's Republic of China, involve reforms of economic and governmental institutions or minor legal procedural improvements, but there is no indication that they will extend to meaningful reform of human rights protection, and, in fact, those reforms have been accompanied by intensified repression of human rights;

Whereas the most recent instance of such intensified repression is a blatantly unfounded prosecution and severe 11-year sentence of Mr. Liu Hui, simply because he is a brother-in-law of Nobel Peace Prize winner Liu Xiaobo, which, coming right after the summit between China's President Xi Jinping and President Barack Obama, was a defiant rebuke to the United States;

Whereas even the recent discussion in China of "reform" of so-called "re-education labor camps" is confined to punitive treatment of petty criminals and protesters about personal economic disputes, rather than including the

pervasive illegal detention of religious practitioners and ethnic or human rights protestors;

Whereas although a number of current UNHRC members, and prospective candidates for it, have blemished human rights records, the scope and intensity of human rights violations by a major country like the People's Republic of China is so great that opposition to its renewed membership would send a strong signal to those other countries to change their behavior as well;

Whereas the United States has previously opposed the candidacy of other countries for membership in the United Nations Human Rights Council because they had committed pervasive violations of human rights, and has recently expressed strong opposition to the candidacies of Iran and Syria because of their human rights records;

Whereas the United States, at the urging of the Congress, has previously helped to improve the effectiveness and credibility of the UNHRC; and

Whereas United States opposition to the People's Republic of China's rejoining the Council would be consistent with the congressional tradition of supporting the United Nations while helping it to achieve one of its main goals, namely, the protection of human rights: Now, therefore, be it

1 *Resolved*, That it is the sense of the House of Rep-
2 resentatives that—

3 (1) the United States Government should
4 strongly oppose and vote against the People's Re-
5 public of China regaining membership in the United
6 Nations Council on Human Rights (UNHRC) and

1 encourage other members to similarly vote against
2 its election; and

3 (2) the United States Government should en-
4 courage a suitably qualified member to stand for
5 election, under the UNHRC procedures, as alternate
6 candidates from the Asia-Pacific region.

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