

**THE UNITED STATES, RUSSIA, AND CHINA IN THE UNITED NATIONS  
HUMAN RIGHTS COUNCIL: RECENT DEVELOPMENTS**

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## **Abstract**

This thesis examines the United Nations Human Rights Council and its interactions with the United States, Russia, and China. These countries, as permanent members of the United Nations Security Council, hold considerable geopolitical influence and have numerous aligned states. Despite their varying human rights situations, they present compelling subjects for comparative research. This thesis explores recent developments in the HRC that challenge the historical impunity enjoyed by these countries for their domestic human rights violations and international actions. Recent years have witnessed significant developments within the HRC that indicate a shift in its approach to these countries. The thesis examines three major cases: the urgent debate on systemic racism in the United States, Russia's suspension from the Council due to aggression in Ukraine, and the rejection by the Council of the resolution proposing to hold a discussion on human rights violations in China's Xinjiang region. Overall, this thesis provides an in-depth analysis of the HRC's engagement with influential states within the UN system. Despite the diverse nature of these situations and the criticism faced, they represent crucial turning points in addressing human rights violations and international actions. By recognising the efforts of civil society and amplifying their voices, the international community can strive for greater human rights accountability.

## Introduction

This thesis examines the United Nations Human Rights Council (HRC) from the perspective of three countries: the United States, Russia, and China. As permanent members of the United Nations Security Council, these countries possess considerable geopolitical influence and have numerous aligned states. While each country exhibits distinct human rights situations, their differences make them compelling subjects for comparative research. According to Freedom House's latest 'Freedom in the World' report, the United States is categorized as a 'free' country, earning 83 out of 100 points, while Russia and China are both classified as 'not free', scoring 16 and 9 out of 100 points, respectively.<sup>1</sup>

Nonetheless, these countries also share common challenges. Despite their active roles in addressing human rights abuses in other nations, often from opposing alliances, they adopt a defensive stance when held accountable for domestic human rights violations. Moreover, all three countries have limited instruments for human rights protection, with none of them participating in a regional human rights mechanism. Additionally, Russia and China lack impartiality and independence within their domestic judicial systems, thereby denying their citizens effective remedies. Simultaneously, the United States is not a member of most UN treaty bodies, making the Human Rights Council one of the few avenues for civil society and the international community to denounce these governments for human rights abuses.

Over the years, these countries have maintained a certain level of impunity within the Commission on Human Rights and its successor, the Human Rights Council. This outcome is a natural consequence of these bodies being predominantly political, comprised of government representatives rather than independent experts. Understandably, significant economic power and political influence grant advantages within such a setting. However, recent years have

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<sup>1</sup> "Explore the Map." n.d. Freedom House. Accessed June 16, 2023. <https://freedomhouse.org/explore-the-map?type=fiw&year=2023>.

witnessed promising developments in this regard. Each of these countries has faced situations in which the attention of the Council was drawn to their actions. In 2020, the HRC conducted a critical debate on systemic racism in the United States. In 2022, Russia's membership in the Council was suspended due to its invasion of Ukraine. Later that same year, the Office of the High Commissioner on Human Rights released a highly anticipated report on human rights violations in China's Xinjiang region. However, the Council decided not to hold a debate on the matter. In this thesis, the aim is to explore the reasons behind these developments and the divergent outcomes of these cases.

The primary focus of this research lies in the political dimension of the Council's work. It does not delve into the activities of special procedures, conducted by independent experts, nor does it concentrate on the Universal Periodic Review. Instead, this study analyses the political statements made by state representatives in the Council, their voting patterns, and the response of civil society to the United Nations' diplomatic engagements. Finally, the research question of the thesis is: How has the policy of Human Rights Council members toward China, Russia, and the United States changed in recent years, and what factors have contributed to these shifts?

Furthermore, it is important to note that terms such as 'states with poor human rights records' and similar are intentionally not defined within this thesis. These terms are widely used by civil society and state representatives, often implying at least slightly different definitions. When using these terms in my thesis, I imply the assessment given by the Freedom House and other NGOs.

This paper consists of two chapters. The first chapter gives an extensive overview of the structure and work of the Human Rights Council, the reasons why it was created, and the criticism addressed to it. The second chapter presents an analysis of three targeted countries in the Human Rights Council. Each country-specific section provides an overview of the

country's standing within the Council, highlighting key episodes of their political interactions within the HRC, and assessment of recent developments. The research primarily centers around country-specific and thematic sessions and urgent and general debates within the HRC. While the Universal Periodic Review (UPR) and special procedures are referenced where relevant, the primary interest lies in the political debates held within the Council.

## 1. Human rights ‘Diplomacy club’: from the Commission to the Council

The United Nations (UN) Human Rights Council (HRC) is an essential part of the so-called charter-based human rights system within the UN. The institution, established in 2006 by a Resolution of the UN General Assembly, replaced its predecessor, the Commission on Human Rights.<sup>2</sup> The Commission was created in 1946 as a subsidiary body to the Economic and Social Council of the UN<sup>3</sup>, and at first, was solely concentrated on drafting the Universal Declaration of Human Rights and two International Covenants, often referred to as the International Bill on Human Rights, thus, having devoted the first 20 years of their work primarily to standard-setting.<sup>4</sup> Despite declaring human rights as one of three essential pillars of the UN system, high hopes for the Commission’s work and the actual successes it had and changes it put in motion, the Commission, especially in its last years of work, was heavily criticized by both states and civil societies in different countries.<sup>5</sup> Due to the profound credibility issues that plagued the Commission, primarily resulting from the frequent election of states with serious human rights violations and the exploitation of the Commission as a mechanism to conceal these abuses, it was eventually declared inefficient and replaced with the Human Rights Council. Furthermore, the introduction of new qualifications for Council membership and the reallocation of the Council as an independent entity within the UN framework was expected to resolve these persistent problems.

### 1.1. Criticism addressed to the Commission

The Commission on Human Rights, being an intergovernmental entity composed of representatives from various states, has inherently been imbued with a political bias that has

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<sup>2</sup> United Nations General Assembly (UNGA). Human Rights Council: resolution. adopted by the General Assembly. 3 April 2006. A/RES/60/251.

<sup>3</sup> Katherine Short, "From Commission to Council", SUR 9 (2008), accessed December 13, 2022, <https://sur.conectas.org/en/from-commission-to-council/>.

<sup>4</sup> "Brief historic overview of the Commission". *United Nations Human Rights Council*. Retrieved 22 June 2018. December 13, 2022, <https://www.ohchr.org/EN/HRBodies/CHR/Pages/Background.aspx>.

<sup>5</sup> Katherine Short, "From Commission to Council", SUR 9 (2008), accessed December 13, 2022, <https://sur.conectas.org/en/from-commission-to-council/>.



consistently marred its operations and drawn criticism. For instance, the Soviet Union directed its focus towards the countries that were part of the North Atlantic Treaty Organization, whereas the United States directed its attention towards Castro's Cuba, even though both members of the Security Council remained silent about their oppressive allies.<sup>6</sup> Many accused the institution of being dominated by a select few member states, who are known for having a history of human rights violations, which has resulted in the Commission being viewed as a tool for these states to cover up human rights abuses happening in their own and allied countries, rather than a genuine platform for promoting and protecting human rights globally.<sup>7</sup> For instance, in 2005, Freedom House stated in its annual report that six out of thirteen most repressive governments – China, Cuba, Eritrea, Saudi Arabia, Sudan, and Zimbabwe were members of the Commission, making up nearly eleven percent of its seats.<sup>8</sup> In 2003, the election of Libya, under the leadership of Muammar Gaddafi, as the President of the Commission on Human Rights elicited significant and widespread controversy.<sup>9</sup> The persistent election of nations with a questionable human rights record to the Human Rights Commission can be contributed to the prioritization of equitable geographical representation over substantive and impartial protection of human rights within the geographical groups of the United Nations by member states.<sup>10</sup>

The status of the Commission as a subsidiary body of the UN Economic and Social Council also did not contribute to its comprehensive and effective work: despite the formal

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<sup>6</sup> Forsythe, David P. *Advanced Introduction to the Politics of International Human Rights*. Elgar Advanced Introductions. Edward Elgar Publishing, 2021. <https://search.ebscohost.com/login.aspx?direct=true&db=cat00823a&AN=ceul.b1431298&site=eds-live>.

<sup>7</sup> Jo Becker, *Campaigning for Justice: Human Rights Advocacy in Practice* (Stanford University Press, 2013) Chapter 3: "Defeating the Election of Human Rights Abusers to the UN Human Rights Council," pp. 59-76.

<sup>8</sup> "World's Worst Regimes Seat in the UN Human Rights Commission," UNPO, April 7, 2005, <https://unpo.org/article/2286>.

<sup>9</sup> Forsythe, David P. *Advanced Introduction to the Politics of International Human Rights*. Elgar Advanced Introductions. Edward Elgar Publishing, 2021. <https://search.ebscohost.com/login.aspx?direct=true&db=cat00823a&AN=ceul.b1431298&site=eds-live>.

<sup>10</sup> Forsythe, David P. *Human Rights in International Relations*. 2nd ed. Themes in International Relations. Cambridge University Press. Accessed January 17, 2023. <https://search.ebscohost.com/login.aspx?direct=true&db=cat00823a&AN=ceul.b1115448&site=eds-live>.

recognition of the protection of human rights as one of the key focuses of UN activity, it was not provided with a body corresponding to the level of influence of the Security Council or the Economic and Social Council.<sup>11</sup> Finally, the Commission was criticized for the insufficiently short yearly sessions and its inability to call emergency sessions.<sup>12</sup>

## **1.2. Structural differences between the Commission on Human Rights and the Human Rights Council**

First of all, the Commission and the Council were endowed with different statuses: the Commission was a sub-organ of the UN Economic and Social Council, consisting of 54 members<sup>13</sup>, whereas the Council consists of 47 members and is a subsidiary body of the UN General Assembly.<sup>14</sup> Moreover, the Commission used to meet for one six-week session each year, while the Council meets for three sessions a year with a combined duration of 10 weeks in total, with an additional opportunity to call emergency sessions, aiming to allow for more flexible and timely response to issues brought to its attention.<sup>15</sup> Addressing the issue of states with ongoing gross human rights violations holding membership to the Commission, the Resolution of the General Assembly, establishing the Human Rights Council, set the criteria for its members:

“<...> members elected to the Council shall uphold the highest standards in the promotion and protection of human rights, shall fully cooperate with the Council, and be reviewed under the universal periodic review mechanism during their term of membership”.<sup>16</sup>

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<sup>11</sup> Katherine Short, "From Commission to Council", SUR 9 (2008), accessed December 13, 2022, <https://sur.conectas.org/en/from-commission-to-council/>

<sup>12</sup> Eric Cox, State Interests and the Creation and Functioning of the United Nations Human Rights Council, 6 J. INT'L L. & INT'L REL. 87 (2010).

<sup>13</sup> Barbara Crossette, "A Disappointing Record: Will the New Human Rights Council Take Its Mandate Seriously?," America Magazine, December 9, 2012, <https://www.americamagazine.org/issue/678/article/disappointing-record>.

<sup>14</sup> United Nations General Assembly (UNGA). Human Rights Council: resolution. adopted by the General Assembly. 3 April 2006. A/RES/60/251.

<sup>15</sup> Jo Becker, Campaigning for Justice: Human Rights Advocacy in Practice (Stanford University Press, 2013) Chapter 3: "Defeating the Election of Human Rights Abusers to the UN Human Rights Council," P. 60.

<sup>16</sup> United Nations General Assembly (UNGA). Human Rights Council: resolution / adopted by the General Assembly. 3 April 2006. A/RES/60/251.

Additionally, it is important to mention the changes in elections from regional groups: even though the regional system itself remained the same, states are elected into the Human Rights Council individually. However, these measures did not have the envisaged effect: usually, regional groups present pre-agreed and unified candidates, referred to as ‘clean states’, to the elections, thereby eliminating any competition among states based on their commitments to human rights.<sup>17</sup> Therefore, the issue of prioritizing equal geographical representation, prevalent in the Human Rights Commission,<sup>18</sup> persisted despite being addressed during the creation of the Council and remained unresolved.

### **1.3. The membership issue: comparison of the Commission and the Council**

The primary concern about the Commission’s work, widely agreed upon by its critics, was the fact that many of its member states had a history of poor human rights practices.

The analysis of three of the last years of work of the Commission and three of the first years of the work of the Council from the membership perspective showed that the percentage of ‘free’ and ‘partially free’ states, elected to the Commission and Council respectively, changed insignificantly, while the number of states ranked as ‘not free’ was considerably lower.<sup>19</sup> The analyses used the data provided by the Freedom House in their annual reports on Political Rights and Civil Liberties, where every state was ranked in one of the three categories: free, partially free, and not free. The study has shown, that in 2006, the last year of work of the Commission, it had among its members 25 ‘free’ states (47%), 12 ‘partially free’ states (23%), and 16 ‘not free’ states (30%); while, for instance, in 2009, among members of the Council

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<sup>17</sup> Bassiouni, M. Cherif, and William Schabas. *New Challenges for the UN Human Rights Machinery: What Future for the UN Treaty Body System and the Human Rights Council Procedures?* Intersentia, 2011. <https://search.ebscohost.com/login.aspx?direct=true&db=cat00823a&AN=ceul.b1164663&site=eds-live>.

<sup>18</sup> Forsythe, David P. *Human Rights in International Relations*. 2nd ed. Themes in International Relations. Cambridge University Press. Accessed January 17, 2023. <https://search.ebscohost.com/login.aspx?direct=true&db=cat00823a&AN=ceul.b1115448&site=eds-live>.

<sup>19</sup> Eric Cox, *State Interests and the Creation and Functioning of the United Nations Human Rights Council*, 6 J. INT’L L. & INT’L REL. 87 (2010). P. 109.

were 23 ‘free’ states (49%), 16 ‘partially free’ states (34%) and 8 ‘not free’ states (17%).<sup>20</sup> The author explains this shift by the decrease in the number of members of the Council compared to the Commission (53 to 47), which, apparently, has been achieved primarily by excluding non-free states.<sup>21</sup>

However, one of the key membership problems remains to be that regional groups often nominate only as many candidates as necessary to cover the regional quota, and therefore elections to the Council are not competitive. This is exactly the issue that occurred in 2007 when only Belarus and Slovenia advanced to the elections from the Eastern European Regional Group – for exactly two vacant seats.<sup>22</sup> Belarus, both then and now, is one of the most repressive states in Eastern Europe, with consistent violations in internal elections, and persecution of activists, human rights defenders, and journalists.<sup>23</sup> At the time, all those abuses were recognized in the resolution of the UN General Assembly to condemn human rights violations in Belarus and the decision of the Organisation for Security and Cooperation in Europe to declare that Belarus’ internal elections do not meet democratic standards.<sup>24</sup> Nonetheless, Belarus ran for election to the HRC within its regional group unopposed.<sup>25</sup>

To prevent Belarus from being elected to the Council, the NGOs coalition started a ‘No on Belarus’ campaign, which drew tremendous attention to the issue and led to Bosnia and Herzegovina, under pressure from the United States, putting forward their candidacy for the

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<sup>20</sup> Eric Cox, *State Interests and the Creation and Functioning of the United Nations Human Rights Council*, 6 J. INT’L L. & INT’L REL. 87 (2010). P. 109.

<sup>21</sup> Eric Cox, *State Interests and the Creation and Functioning of the United Nations Human Rights Council*, 6 J. INT’L L. & INT’L REL. 87 (2010). P. 109.

<sup>22</sup> Jo Becker, *Campaigning for Justice: Human Rights Advocacy in Practice* (Stanford University Press, 2013) Chapter 3: “Defeating the Election of Human Rights Abusers to the UN Human Rights Council,” P. 68.

<sup>23</sup> “World Report 2022: Rights Trends in Belarus,” Human Rights Watch, January 13, 2022, accessed January 31, 2023, <https://www.hrw.org/world-report/2022/country-chapters/belarus>.

<sup>24</sup> Jo Becker, *Campaigning for Justice: Human Rights Advocacy in Practice* (Stanford University Press, 2013) Chapter 3: “Defeating the Election of Human Rights Abusers to the UN Human Rights Council,” P. 68.

<sup>25</sup> Jo Becker, *Campaigning for Justice: Human Rights Advocacy in Practice* (Stanford University Press, 2013) Chapter 3: “Defeating the Election of Human Rights Abusers to the UN Human Rights Council,” P. 68.

elections and winning them.<sup>26</sup> This campaign, run by human rights defenders, who continuously appealed to various States and worked with their representatives, is an example of the success of the civil society campaign and competent pressure on stakeholders in the UN who successfully navigated the political dynamics.

A similar, but not as successful, campaign was conducted in 2009 against Russia, China, Azerbaijan, Cuba, and Saudi Arabia.<sup>27</sup> Once again, several repressive States put forward their candidacies for elections, and only two of them had competitors in their regional group. In general, only 20 States applied for 18 vacant seats, with competitive elections in only two regional groups.<sup>28</sup> Despite all the attention the campaign received, all the targeted states, except for Azerbaijan, were re-elected.<sup>29</sup>

However, the positive trend, observed in the early years of the Council, has not abated to the present day. According to the Freedom House's most recent 'Freedom in the World' report data<sup>30</sup>, among the members of the Council as of January 2023<sup>31</sup> 14 states are classified as 'free' (30%), 19 states as 'partially free' (40%), and 14 states as 'not free' (30%). Thus, most of the members of the Council are classified as 'partially free' states, and the number of 'free' and 'not free' states is equal. Therefore, it can be argued that the objective established during the transition from the Commission to the Council – to comprise the new premier international human rights body primarily or solely of states with a commendable human rights record was not realised. The statistics would be even more unfavourable if Russia, which was classified as

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<sup>26</sup> Jo Becker, *Campaigning for Justice: Human Rights Advocacy in Practice* (Stanford University Press, 2013) Chapter 3: "Defeating the Election of Human Rights Abusers to the UN Human Rights Council," P. 68.

<sup>27</sup> Jo Becker, *Campaigning for Justice: Human Rights Advocacy in Practice* (Stanford University Press, 2013) Chapter 3: "Defeating the Election of Human Rights Abusers to the UN Human Rights Council," P. 68.

<sup>28</sup> Jo Becker, *Campaigning for Justice: Human Rights Advocacy in Practice* (Stanford University Press, 2013) Chapter 3: "Defeating the Election of Human Rights Abusers to the UN Human Rights Council," P. 68.

<sup>29</sup> Jo Becker, *Campaigning for Justice: Human Rights Advocacy in Practice* (Stanford University Press, 2013) Chapter 3: "Defeating the Election of Human Rights Abusers to the UN Human Rights Council," P. 70.

<sup>30</sup> "Countries and Territories", Freedom House, 2022, accessed January 31, 2023, <https://freedomhouse.org/countries/freedom-world/scores>.

<sup>31</sup> "Membership of the Human Rights Council for the 17th Cycle, 1 January - 31 December 2023," OHCHR, accessed January 31, 2023, <https://www.ohchr.org/en/hr-bodies/hrc/current-members>.

‘not free’ in the report, had remained a member of the HRC, as it was replaced by the Czech Republic<sup>32</sup>, which was classified as ‘free’ in the report.

The issue of membership in the world-leading human rights body is very complex. There seems to be a consensus in the literature and mass media: the Council, just like the Commission before, is criticised for having countries with a poor human rights record on its board. However, one can argue that the only way to bring those governments accountable and force them to participate in discussions is, in fact, having them as a member. This position is supported by some state delegates, especially from the developing countries. For example, in the context of the Council’s inaction during the human rights crisis in Sudan, Peggy Hicks, Global Advocacy Director of Human Rights Watch, stated, referring to the Organisation of Islamic Cooperation (OIC): “The OIC’s mantra has been that the Council should work cooperatively with abusive governments rather than condemn them. Since states tend to fear the airing of their own dirty laundry, many have bought into this argument”.<sup>33</sup>

#### **1.4. The politicisation of the Council: regional groups, alliances, and scrutiny**

The problem apparently does not derive from the fact that these countries are members, but from their ability to build strong coalitions and influence the Council’s decisions, often to protect each other from international scrutiny. Russia and China, for example, despite committing systematic human rights violations, coordinate a strong informal group of so-called ‘Like-Minded’ states and are strong allies with the OIC and African group countries.<sup>34</sup>

Such alliances allow them to adjust the Council’s agenda, redirecting it from burning issues in allied regions to others. For instance, the HRC, just like its predecessor, the

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<sup>32</sup> “Membership of the Human Rights Council for the 17th Cycle, 1 January - 31 December 2023,” OHCHR, accessed January 31, 2023, <https://www.ohchr.org/en/hr-bodies/hrc/current-members>.

<sup>33</sup> Hicks, Peggy. 2006. “How To Put U.N. Rights Council Back on Track.” The Forward. <https://forward.com/opinion/7421/how-to-put-un-rights-council-back-on-track/>.

<sup>34</sup> Rosa Freedman, “Improvement on the Commission? The UN Human Rights Council’s Inaction on Darfur,” U.C. Davis Journal of International Law & Policy, 16, 81 (Fall, 2009). <https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:50MP-0HR0-00CT-S06Y-00000-00&context=1516831>. P. 128.

Commission on Human Rights, pays an unjustified amount of attention to Israel in the sense that part of this time could be devoted to problems in other States, especially more acute ones. In 2004 the Commission voted against taking action in Chechnya but passed five resolutions on Israel, even though the second Chechen war resulted in far more deaths and displacement than the second intifada in Israel and Occupied Palestinian territories during the same period.<sup>35</sup> During the first 17 months of its work, the Human Rights Council passed 13 condemnations, 12 of them on Israel.<sup>36</sup>

At the same time, western countries lack the leadership and willingness to actively stand out against human rights abuses, allowing more active political alliances, such as the OIC and 'Like-Minded' group, to take over the initiative. "This gap illustrates a much broader problem: the absence of leadership from states that supported the creation of a stronger, more effective Council, and the willingness of moderate states to side with regimes that have notoriously bad human rights records and nefarious agendas"<sup>37</sup> – as was put by Peggy Hicks.

Alliances play a crucial role in the Council's work as they structure the debates: usually, the discussions after the expert report start with the statements of the main alliances, representing the generalised position of its members, followed by the comments of the individual states, referring to the broader positions of the allied blocks.<sup>38</sup> As Rosa Freedman puts it: "Alliances are used, either expressly or tacitly, to coerce states from other regional groups into action or silence, undermining the Council's ability to intervene."<sup>39</sup>

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<sup>35</sup> Rosa Freedman, "Look! We Did Something," in *Failing to Protect the UN and the Politicisation of Human Rights* (Oxford (Inglatera), New York: Oxford University Press, 2015), pp. 62-63.

<sup>36</sup> Farrow, Ronan. 2008. "The U.N.'s Human-Rights Sham - WSJ." The Wall Street Journal. <https://www.wsj.com/articles/SB120156891659323879>.

<sup>37</sup> Hicks, Peggy. 2006. "How To Put U.N. Rights Council Back on Track." The Forward. <https://forward.com/opinion/7421/how-to-put-un-rights-council-back-on-track/>.

<sup>38</sup> Rosa Freedman, "Improvement on the Commission? The UN Human Rights Council's Inaction on Darfur," U.C. Davis Journal of International Law & Policy, 16, 81 (Fall, 2009). <https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:50MP-0HR0-00CT-S06Y-00000-00&context=1516831>. P. 85.

<sup>39</sup> Rosa Freedman, "Improvement on the Commission? The UN Human Rights Council's Inaction on Darfur," U.C. Davis Journal of International Law & Policy, 16, 81 (Fall, 2009).

One of the examples of how alliances influenced the Council's action – the lack of it in this particular case – is the HRC's inaction on Darfur. The human rights crisis in Darfur, Sudan has been brought to the Council's attention since its creation in 2006.<sup>40</sup> In 2005 Sima Samar was appointed as a Special Rapporteur in Sudan.<sup>41</sup> Despite her efforts and the actions of individual states, no sufficient results were reached, as the two powerful alliances – The OIC and The African group – directly or indirectly supported the Sudanese Government.<sup>42</sup> Thus, the African group generally supported the Sudanese government, insisting that it was doing everything in its power to stop human rights violations and hold the perpetrators accountable, while at the same time calling for international assistance. This position of the group led to the self-contradicting claims: in 2007 the Sudanese government blocked the council-mandated mission to Sudan, and in the following discussion of that situation in the HRC, the Tunisian delegate stated that: "Sudan continues to express its readiness to cooperate with Council."<sup>43</sup> The cases of members States of the African regional group deviating from the group's general statement were rare, and in this case, the only countries to condemn Sudan were those who either were directly harmed by the conflict or were stronger democratic regimes, such as Botswana and Zambia.<sup>44</sup>

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<https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:50MP-0HR0-00CT-S06Y-00000-00&context=1516831> P. 84.

<sup>40</sup> Rosa Freedman, "Improvement on the Commission? The UN Human Rights Council's Inaction on Darfur," U.C. Davis Journal of International Law & Policy, 16, 81 (Fall, 2009). <https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:50MP-0HR0-00CT-S06Y-00000-00&context=1516831>. P. 83.

<sup>41</sup> UN. Commission on Human Rights (61st sess. : 2005 : Geneva). Situation of human rights in the Sudan. 21 April 2005. E/CN.4/RES/2005/82.

<sup>42</sup> Rosa Freedman, "Improvement on the Commission? The UN Human Rights Council's Inaction on Darfur," U.C. Davis Journal of International Law & Policy, 16, 81 (Fall, 2009). <https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:50MP-0HR0-00CT-S06Y-00000-00&context=1516831>. P. 84.

<sup>43</sup> Rosa Freedman, "Improvement on the Commission? The UN Human Rights Council's Inaction on Darfur," U.C. Davis Journal of International Law & Policy, 16, 81 (Fall, 2009). <https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:50MP-0HR0-00CT-S06Y-00000-00&context=1516831>. P. 86.

<sup>44</sup> Rosa Freedman, "Improvement on the Commission? The UN Human Rights Council's Inaction on Darfur," U.C. Davis Journal of International Law & Policy, 16, 81 (Fall, 2009). <https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:50MP-0HR0-00CT-S06Y-00000-00&context=1516831>.



The other influential alliance in the HRC – the OIC – is one of the largest alliances within the UN<sup>45</sup> and has a significant impact on the Council's discussions and actions. For instance, in 2006, 17 OIC members were members of the Council, with Algeria, Saudi Arabia, and Azerbaijan chairing the regional groups for Africa, Asia, and Eastern Europe respectively.<sup>46</sup> During the discussions on the situation in Darfur, the OIC members used the same tactic as the African group: the individual member states were making statements similar to the generalised position of the regional group.<sup>47</sup> The size and geographical diversity of the organisation gave the OIC significant weight while using this tactic.<sup>48</sup>

In conclusion, the transition from the Commission on Human Rights to the Human Rights Council aimed to address the credibility issues and inefficiencies of the former body. However, while some improvements have been made, significant challenges remain. The politicization of the Council is still an issue. Alliances formed by countries with poor human rights records enable them to influence decisions and protect each other from scrutiny. These alliances often redirect the Council's agenda, leading to an excessive focus on certain issues, such as Israel, while other severe human rights violations elsewhere receive less attention. The lack of leadership from Western countries and the willingness of moderate states to align with repressive regimes further contribute to this problem.

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<sup>45</sup> Rosa Freedman, "Improvement on the Commission? The UN Human Rights Council's Inaction on Darfur," U.C. Davis Journal of International Law & Policy, 16, 81 (Fall, 2009). <https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:50MP-0HR0-00CT-S06Y-00000-00&context=1516831>. P. 86.

<sup>46</sup> Rosa Freedman, "Improvement on the Commission? The UN Human Rights Council's Inaction on Darfur," U.C. Davis Journal of International Law & Policy, 16, 81 (Fall, 2009). <https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:50MP-0HR0-00CT-S06Y-00000-00&context=1516831>. P. 87.

<sup>47</sup> Rosa Freedman, "Improvement on the Commission? The UN Human Rights Council's Inaction on Darfur," U.C. Davis Journal of International Law & Policy, 16, 81 (Fall, 2009). <https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:50MP-0HR0-00CT-S06Y-00000-00&context=1516831>. P. 87.

<sup>48</sup> Rosa Freedman, "Improvement on the Commission? The UN Human Rights Council's Inaction on Darfur," U.C. Davis Journal of International Law & Policy, 16, 81 (Fall, 2009). <https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:50MP-0HR0-00CT-S06Y-00000-00&context=1516831>. P. 83.

## 2. The US, China, and Russia in the Human Rights Council

### 2.1. The United States

#### 2.1.1. Overview

The United States stands as an indisputably geopolitically influential nation, with a diverse array of allies and rivals among other states. Despite its long-standing reputation as a defender of democracy and human rights worldwide, the United States' approach to human rights remains contentious, particularly in the international sphere. Presently, the United States is not a party to many international human rights treaties, as well as human rights protection institutions. Many international treaties, including International Covenant on Economic, Social and Cultural Rights, the United States signed but never ratified.<sup>49</sup> Furthermore, the country did not accept any individual complaints mechanisms under the UN jurisdiction<sup>50</sup> and did not join the regional – Inter-American – human rights protection system. Consequently, the United States has consistently adopted a dualistic approach in its human rights policy. While actively denouncing human rights abuses committed by other states and supporting civil societies in developing countries, the United States has chosen a defensive stance concerning domestic human rights violations, which we will further examine.

The idea of American exceptionalism, namely the belief that the American nation “manifests exceptional morality in international affairs”<sup>51</sup>, is fundamental for the US foreign policy and international relations. It was expressed many times by the highest US political leaders, such as President Barack Obama and Secretary of State Madeline Albright.<sup>52</sup> “For generations, the United States of America has played a unique role as an anchor of global

<sup>49</sup> “View the Ratification Status by Country or by Treaty,” [tbinternet.ohchr.org](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=187&Lang=EN), accessed May 22, 2023, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=187&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=187&Lang=EN).

<sup>50</sup> “View the Ratification Status by Country or by Treaty,” [tbinternet.ohchr.org](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=187&Lang=EN), accessed May 22, 2023, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=187&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=187&Lang=EN).

<sup>51</sup> Forsythe, D.P., & McMahon, P.C. (2016). *American Exceptionalism Reconsidered: U.S. Foreign Policy, Human Rights, and World Order* (1st ed.). Routledge. <https://doi.org/10.4324/9781315665528> P. 1.

<sup>52</sup> Forsythe, D.P., & McMahon, P.C. (2016). *American Exceptionalism Reconsidered: U.S. Foreign Policy, Human Rights, and World Order* (1st ed.). Routledge. <https://doi.org/10.4324/9781315665528> P. 1.

security and as an advocate for human freedom” – Obama stated in 2011 regarding the necessity to take action in Libya. However, as David P. Forsythe and Patrice C. McMahon's assessment shows, while the US action in international affairs is highly influenced by human rights and liberal democracy considerations, this approach is not consistently followed, but rather depends on the context and is implemented when convenient.<sup>53</sup> In reality, in the US' international affairs, national security and economic advantage prevail.<sup>54</sup>

In the United Nations, the US is not a part of any regional group.<sup>55</sup> However, it attends the meetings of the Group of Western European and other States as an observer, and for electoral purposes is considered a part of this group.<sup>56</sup> During the administration of President George W. Bush, a Republican, the United States pointedly refrained from participating in the HRC work, in particular, because of the latter's policy towards Israel.<sup>57</sup> Then, after the election of Democratic President Barack Obama, the United States put forward its candidacy for the elections to the Council, which was generally welcomed by the human rights community.<sup>58</sup> Nevertheless, after another change of the administration back to the Republican one under President Trump, the United States again withdrew from the activities of the Council, explaining this once again by anti-Israeli sentiments in the Council,<sup>59</sup> and then re-elected to the HRC in 2022,<sup>60</sup> after a new democratic President came to power.

<sup>53</sup> Forsythe, D.P., & McMahon, P.C. (2016). *American Exceptionalism Reconsidered: U.S. Foreign Policy, Human Rights, and World Order* (1st ed.). Routledge. <https://doi.org/10.4324/9781315665528> P. 2,5.

<sup>54</sup> Forsythe, D.P., & McMahon, P.C. (2016). *American Exceptionalism Reconsidered: U.S. Foreign Policy, Human Rights, and World Order* (1st ed.). Routledge. <https://doi.org/10.4324/9781315665528> P. 5.

<sup>55</sup> “Regional groups of Member States | Department for General Assembly and Conference Management.” n.d. the United Nations. Accessed June 7, 2023. <https://www.un.org/dgacm/en/content/regional-groups>.

<sup>56</sup> “Regional groups of Member States | Department for General Assembly and Conference Management.” n.d. the United Nations. Accessed June 7, 2023. <https://www.un.org/dgacm/en/content/regional-groups>.

<sup>57</sup> Jo Becker, *Campaigning for Justice: Human Rights Advocacy in Practice* (Stanford University Press, 2013) Chapter 3: “Defeating the Election of Human Rights Abusers to the UN Human Rights Council,” p. 68.

<sup>58</sup> Jo Becker, *Campaigning for Justice: Human Rights Advocacy in Practice* (Stanford University Press, 2013) Chapter 3: “Defeating the Election of Human Rights Abusers to the UN Human Rights Council,” p. 68.

<sup>59</sup> Nick Cumming-bruce, “Leadership of U.N. Human Rights Body Becomes Proxy Battle for World Powers,” *The New York Times* (The New York Times, November 29, 2020), <https://www.nytimes.com/2020/11/29/world/un-human-rights.html>.

<sup>60</sup> “United States Elected to U.N. Human Rights Council,” U.S. Embassy in Georgia, November 3, 2022, <https://ge.usembassy.gov/united-states-elected-to-u-n-human-rights-council/>.

### 2.1.2. The United States and the creation of the HRC

During the negotiations on the structure and form of the new leading UN human rights body, the United States had an active stance, stressing that the new institution should not repeat the mistakes of its predecessor, and thus the mechanisms uncompromising disincentives of abuse of power should be built. For instance, the United States insisted on the creation of a system of criteria that would prevent countries with the worst human rights record from becoming members of the Council.<sup>61</sup> Secretary-General at the time, Kofi Annan, proposed a requirement for a two-thirds majority vote of the General Assembly to become a member of the Council, and the US supported this proposal.<sup>62</sup> However, the United States Ambassador John Bolton's standing in the UN, his previous controversial geopolitical statements, and backing up the invasion of Iraq, together with the general standing of the Bush administration guaranteed little support for the United States statements on the Council in the UN.<sup>63</sup> The final text of the resolution did not include any concrete requirements for the candidates for the membership of the Council, stating only that: "members elected to the Council shall uphold the highest standards in the promotion and protection of human rights"<sup>64</sup>, the proposal of the Secretary-General for the selection of members of the Council by the two-thirds majority of the General Assembly was declined as well.<sup>65</sup> Among three other states – Israel, Marshall Islands, and Palau – the United States voted against the resolution on the establishment of the

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<sup>61</sup> UN Press. 2006. "GENERAL ASSEMBLY ESTABLISHES NEW HUMAN RIGHTS COUNCIL BY VOTE OF 170 IN FAVOUR TO 4 AGAINST, WITH 3 ABSTENTIONS | UN Press." UN Press. <https://press.un.org/en/2006/ga10449.doc.htm>.

<sup>62</sup> UN Press. 2006. "GENERAL ASSEMBLY ESTABLISHES NEW HUMAN RIGHTS COUNCIL BY VOTE OF 170 IN FAVOUR TO 4 AGAINST, WITH 3 ABSTENTIONS | UN Press." UN Press. <https://press.un.org/en/2006/ga10449.doc.htm>.

<sup>63</sup> Rosa Freedman, "GENERAL ISSUE: FEATURED CONTRIBUTOR: THE UNITED STATES AND THE U.N. HUMAN RIGHTS COUNCIL: AN EARLY ASSESSMENT," St. Thomas Law Review, 23, 89 (Fall, 2010). <https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:517R-9GP0-00CV-303H-00000-00&context=1516831>. P. 93

<sup>64</sup> United Nations General Assembly (UNGA). Human Rights Council: resolution / adopted by the General Assembly. A/RES/60/251.

<sup>65</sup> UN Press. 2006. "GENERAL ASSEMBLY ESTABLISHES NEW HUMAN RIGHTS COUNCIL BY VOTE OF 170 IN FAVOUR TO 4 AGAINST, WITH 3 ABSTENTIONS | UN Press." UN Press. <https://press.un.org/en/2006/ga10449.doc.htm>.

Human Rights Council.<sup>66</sup> Nonetheless, in his speech after the vote, Bolton stated that the United States “would do everything possible to make the Human Rights Council as strong as it could be”<sup>67</sup>. Unlike its previous full membership in the Commission, the United States refrained from nominating itself for membership in the Council. Nevertheless, it actively participated in the discussions until the seventh session.<sup>68</sup>

In the initial two years following the establishment of the Council, the United States consistently voiced its criticism during thematic as well as country sessions. Notably, the U.S. specifically addressed the matter of perceived partiality, highlighting the prevalence of recurrent discussions on human rights violations in Israel. The Organisation of the Islamic Conference ensured that Israel became a permanent item on the Council’s agenda, while situations in Libya, Syria, and Saudi Arabia, were ignored, and action on Darfur was blocked.<sup>69</sup> During the discussions, the United States highlighted the violations on both sides and called for impartiality.<sup>70</sup>

The issue of bias against Israel within the Council emerged conspicuously in the initial years following its establishment. This matter garnered attention and critique from numerous voices within the United Nations and civil society. The Secretary-General at the time, Ban Ki-

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<sup>66</sup> UN Press. 2006. “GENERAL ASSEMBLY ESTABLISHES NEW HUMAN RIGHTS COUNCIL BY VOTE OF 170 IN FAVOUR TO 4 AGAINST, WITH 3 ABSTENTIONS | UN Press.” UN Press. <https://press.un.org/en/2006/ga10449.doc.htm>.

<sup>67</sup> UN Press. 2006. “GENERAL ASSEMBLY ESTABLISHES NEW HUMAN RIGHTS COUNCIL BY VOTE OF 170 IN FAVOUR TO 4 AGAINST, WITH 3 ABSTENTIONS | UN Press.” UN Press. <https://press.un.org/en/2006/ga10449.doc.htm>.

<sup>68</sup> Rosa Freedman, "GENERAL ISSUE: FEATURED CONTRIBUTOR: THE UNITED STATES AND THE U.N. HUMAN RIGHTS COUNCIL: AN EARLY ASSESSMENT," St. Thomas Law Review, 23, 89 (Fall, 2010). <https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:517R-9GP0-00CV-303H-00000-00&context=1516831>. P. 93

<sup>69</sup> Rosa Freedman, "GENERAL ISSUE: FEATURED CONTRIBUTOR: THE UNITED STATES AND THE U.N. HUMAN RIGHTS COUNCIL: AN EARLY ASSESSMENT," St. Thomas Law Review, 23, 89 (Fall, 2010). <https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:517R-9GP0-00CV-303H-00000-00&context=1516831>. P. 98.

<sup>70</sup> Rosa Freedman, "GENERAL ISSUE: FEATURED CONTRIBUTOR: THE UNITED STATES AND THE U.N. HUMAN RIGHTS COUNCIL: AN EARLY ASSESSMENT," St. Thomas Law Review, 23, 89 (Fall, 2010). <https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:517R-9GP0-00CV-303H-00000-00&context=1516831>. P. 99.

moon, explicitly expressed his concerns in his statement in 2007: “The Secretary-General is disappointed at the Council’s decision to single out only one specific regional item, given the range and scope of allegations of human rights violations throughout the world”.<sup>71</sup> However, the United States’ considerations were not widely supported by other countries’ representatives. The United States’ position on Israel found support solely from Canada, while the member states of the European Union, traditionally regarded as allies of the US, adopted a neutral approach by abstaining from voting and offering impartial comments.<sup>72</sup> The influence of the large block of OIC members at the Council arguably explains that reluctance to take a side.<sup>73</sup> For instance, during the second session, Canada was the only country opposing the OIC’s resolution on Israel.<sup>74</sup> In response to this, OIC used its collective weight to postpone three non-controversial Canadian Draft Resolutions.<sup>75</sup>

According to Rosa Freedman’s assessment, another issue the United States faced during the first years of the Council’s work was the overwhelming attention to the country itself, not always justified by humanitarian reasons, at least in the United States’ own opinion.<sup>76</sup>

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<sup>71</sup> “SECRETARY-GENERAL URGES HUMAN RIGHTS COUNCIL TO TAKE RESPONSIBILITIES SERIOUSLY, STRESSES IMPORTANCE OF CONSIDERING ALL VIOLATIONS EQUALLY | UN Press.” 2007. UN Press. <https://press.un.org/en/2007/sgsm11053.doc.htm>.

<sup>72</sup> Rosa Freedman, "GENERAL ISSUE: FEATURED CONTRIBUTOR: THE UNITED STATES AND THE U.N. HUMAN RIGHTS COUNCIL: AN EARLY ASSESSMENT," St. Thomas Law Review, 23, 89 (Fall, 2010). <https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:517R-9GP0-00CV-303H-00000-00&context=1516831>. P. 100-101.

<sup>73</sup> Rosa Freedman, "GENERAL ISSUE: FEATURED CONTRIBUTOR: THE UNITED STATES AND THE U.N. HUMAN RIGHTS COUNCIL: AN EARLY ASSESSMENT," St. Thomas Law Review, 23, 89 (Fall, 2010). <https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:517R-9GP0-00CV-303H-00000-00&context=1516831>. P. 101.

<sup>74</sup> Rosa Freedman, "GENERAL ISSUE: FEATURED CONTRIBUTOR: THE UNITED STATES AND THE U.N. HUMAN RIGHTS COUNCIL: AN EARLY ASSESSMENT," St. Thomas Law Review, 23, 89 (Fall, 2010). <https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:517R-9GP0-00CV-303H-00000-00&context=1516831>. P. 101.

<sup>75</sup> Rosa Freedman, "GENERAL ISSUE: FEATURED CONTRIBUTOR: THE UNITED STATES AND THE U.N. HUMAN RIGHTS COUNCIL: AN EARLY ASSESSMENT," St. Thomas Law Review, 23, 89 (Fall, 2010). <https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:517R-9GP0-00CV-303H-00000-00&context=1516831>. P. 101.

<sup>76</sup> Rosa Freedman, "GENERAL ISSUE: FEATURED CONTRIBUTOR: THE UNITED STATES AND THE U.N. HUMAN RIGHTS COUNCIL: AN EARLY ASSESSMENT," St. Thomas Law Review, 23, 89 (Fall, 2010). <https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:517R-9GP0-00CV-303H-00000-00&context=1516831>. P. 129.

One recurring challenge in discussing this topic involves defining the concept of ‘disproportionate’ attention. While the Council’s extensive discussions on Israel indeed appear unreasonable, the argument loses its validity when applied to the United States. While Freedman agrees that sometimes certain regions require more attention than others and that countries need to be examined proportionately to the number of resources they possess, she concludes that the amount of attention devoted to the United States in the first two years of its work was disproportionate and unreasonable for political, and not humanitarian, reasons.<sup>77</sup> I cannot fully agree with this argument. It seems that large countries with exceptional resources and geopolitical influence, such as the United States, must be subjected to the closest attention of the international community. The same argument was expressed by the mandate-holders while presenting their reports at the Council at the time. The truly impartial and independent human rights body cannot focus solely on developing countries and should not do so.

#### 2.1.4. The ‘Black Lives Matter’ movement and the urgent debate in the HRC

In the summer of 2020, a wave of protests burst in the United States. On May 29, 46-years old black man George Floyd was arrested by the Minneapolis police, following the 991 calls of a department store employee, stating that Floyd paid for cigarettes with a counterfeit \$20 bill.<sup>78</sup> Shortly after the police’s arrival, George Floyd was dead.<sup>79</sup> The footage showed that police officer Derek Chauvin, who was seen most clearly in the witness video, kept his knee on Mr. Floyd’s neck for at least 8 minutes and 15 seconds, while Mr. Floyd asked for help and expressed his inability to breathe.<sup>80</sup> All officers involved in the incident were fired and

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<sup>77</sup> Rosa Freedman, "GENERAL ISSUE: FEATURED CONTRIBUTOR: THE UNITED STATES AND THE U.N. HUMAN RIGHTS COUNCIL: AN EARLY ASSESSMENT," *St. Thomas Law Review*, 23, 89 (Fall, 2010). <https://advance.lexis.com/api/document?collection=analytical-materials&id=urn:contentItem:517R-9GP0-00CV-303H-00000-00&context=1516831>. P. 128-129.

<sup>78</sup> Evan Hill et al., "How George Floyd Was Killed in Police Custody," *The New York Times*, June 1, 2020, <https://www.nytimes.com/2020/05/31/us/george-floyd-investigation.html>.

<sup>79</sup> Evan Hill et al., "How George Floyd Was Killed in Police Custody," *The New York Times*, June 1, 2020, <https://www.nytimes.com/2020/05/31/us/george-floyd-investigation.html>.

<sup>80</sup> Evan Hill et al., "How George Floyd Was Killed in Police Custody," *The New York Times*, June 1, 2020, <https://www.nytimes.com/2020/05/31/us/george-floyd-investigation.html>.



later charged with crimes.<sup>81</sup> The release of the video of Floyd's arrest forced people in Minneapolis to protest for several days.<sup>82</sup> The wave of protests quickly spread all over the country,<sup>83</sup> becoming the largest racial justice protest in the United States since the Civil Rights Movement.<sup>84</sup>

George Floyd's death started a new wave of the worldwide antiracism movement. According to some assessments, between 15 and 26 million people participated in demonstrations in May of 2020, and there were 7,750 demonstrations in all 50 states and Washington DC between May and August.<sup>85</sup> The protesters used the slogan 'Black Lives Matter', which has been a symbol for the fight against racially motivated violence since 2013.<sup>86</sup> The 'Black Lives Matter' (BLM) movement was created a decade ago by three black women: Alicia Garza, Patrisse Cullors, and Opal Tometi, following the acquittal of George Zimmerman, who shot and killed unarmed teenager Trayvon Martin in Florida.<sup>87</sup> In 2020, protests took place worldwide, spanning 60 countries and every continent except Antarctica, with political figures like Boris Johnson and Justin Trudeau affirming their support for the BLM movement.<sup>88</sup> On June 8th, 600 civil society groups led by the American Civil Liberties Union and U.S. Human Rights Network, together with the families of George Floyd, Breonna

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<sup>81</sup> The New York Times. "How George Floyd Died, and What Happened Next." The New York Times, September 8, 2020. <https://www.nytimes.com/article/george-floyd.html>.

<sup>82</sup> The New York Times. "How George Floyd Died, and What Happened Next." The New York Times, September 8, 2020. <https://www.nytimes.com/article/george-floyd.html>.

<sup>83</sup> The New York Times. "How George Floyd Died, and What Happened Next." The New York Times, September 8, 2020. <https://www.nytimes.com/article/george-floyd.html>.

<sup>84</sup> Silverstein, Jason. 2021. "The global impact of George Floyd: How Black Lives Matter protests shaped movements around the world." CBS News. <https://www.cbsnews.com/news/george-floyd-black-lives-matter-impact/>.

<sup>85</sup> Jones, Ellen E. 2020. "Opal Tometi, co-founder of Black Lives Matter: 'I do this because we deserve to live.'" The Guardian. <https://www.theguardian.com/society/2020/sep/24/opal-tometi-co-founder-of-black-lives-matter-i-do-this-because-we-deserve-to-live>.

<sup>86</sup> "Herstory." n.d. Black Lives Matter. Accessed May 29, 2023. <https://blacklivesmatter.com/herstory/>.

<sup>87</sup> Jones, Ellen E. 2020. "Opal Tometi, co-founder of Black Lives Matter: 'I do this because we deserve to live.'" The Guardian. <https://www.theguardian.com/society/2020/sep/24/opal-tometi-co-founder-of-black-lives-matter-i-do-this-because-we-deserve-to-live>.

<sup>88</sup> Jones, Ellen E. 2020. "Opal Tometi, co-founder of Black Lives Matter: 'I do this because we deserve to live.'" The Guardian. <https://www.theguardian.com/society/2020/sep/24/opal-tometi-co-founder-of-black-lives-matter-i-do-this-because-we-deserve-to-live>.



Taylor, Michael Brown, and Philando Castile, wrote a letter to the Members of the Human rights council, demanding it to hold a special session on to respond to the situation and an independent inquiry.<sup>89</sup>

Shortly after the protests began, UN officials started to respond to the situation. On June 3rd the UN High Commissioner for Human Rights Michelle Bachelet released a statement, referring to the disproportionate use of force by police, calling for the condemnation of racism and urging for “a profound examination of a wide range of issues, including socio-economic factors and deep-seated discrimination”.<sup>90</sup> On June 5th, a group of independent experts of the Human Rights Council released two statements: “to condemn modern-day racial terror lynchings in the US and call for systemic reform and justice”<sup>91</sup>, addressing the systemic racism in the United States, and “on the Protests against Systemic Racism in the United States”<sup>92</sup>, recalling the police brutality against those protesting during the BLM movement. Finally, on June 15th the Human Rights Council resumed its 43rd session, which was suspended in March due to the Covid-19 outbreak and decided to hold an urgent debate.<sup>93</sup>

The urgent debate was requested by Burkina Faso on behalf of the African Group, with the heading: “On current racially inspired human rights violations, systemic racism, police brutality and violence against peaceful protests”.<sup>94</sup> Notably, the topic did not mention the

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<sup>89</sup> “Families, Rights Groups Demand U.N. Investigate U.S. Police Brutality, Protest Suppression.” 2020. American Civil Liberties Union. <https://www.aclu.org/press-releases/families-rights-groups-demand-un-investigate-us-police-brutality-protest-suppression>.

<sup>90</sup> “US Protests: Deep-Seated Grievances Must Be Addressed - Bachelet,” OHCHR, June 3, 2020, <https://www.ohchr.org/en/press-releases/2020/06/us-protests-deep-seated-grievances-must-be-addressed-bachelet>.

<sup>91</sup> “UN Experts Condemn Modern-Day Racial Terror Lynchings in US and Call for Systemic Reform and Justice,” OHCHR, June 5, 2020, <https://www.ohchr.org/en/press-releases/2020/06/un-experts-condemn-modern-day-racial-terror-lynchings-us-and-call-systemic>.

<sup>92</sup> “Statement on the Protests against Systemic Racism in the United States,” OHCHR, June 5, 2020, <https://www.ohchr.org/en/statements/2020/06/statement-protests-against-systemic-racism-united-states>.

<sup>93</sup> “Human Rights Council Resumes Its Forty-Third Session and Holds a General Debate on Human Rights Bodies and Mechanisms.” OHCHR, June 15, 2020. <https://www.ohchr.org/en/news/2020/06/human-rights-council-resumes-its-forty-third-session-and-holds-general-debate-human>.

<sup>94</sup> “Human Rights Council Holds an Urgent Debate on Current Racially Inspired Human Rights Violations, Systemic Racism, Police Brutality and Violence against Peaceful Protests.” OHCHR, June 17, 2020.

United States directly, even though for all actors involved it was obvious that the item on the agenda is the problem of systemic racism in the United States, the situation which led to the death of George Floyd and the protests which followed it. E. Tendayi Achiume, Special Rapporteur on contemporary forms of racism, presented a video message on behalf of other mandate holders, urging the Council to create an international commission of inquiry to investigate systemic racism in law enforcement in the United States.<sup>95</sup> Philonise Floyd, the brother of George Floyd, supported the proposal for the creation of the independent Commission of Inquiry<sup>96</sup>, stressing that racism is a daily issue for black Americans.<sup>97</sup>

The resolution following the urgent debate was adopted on June 19th.<sup>98</sup> The text of the resolution strongly condemned racial discrimination and violent practices against Africans and people of African descent in law enforcement and requested the High Commissioner for Human Rights to prepare a report on systemic racism and violations of human rights law against Africans and people of African descent by law enforcement agencies.<sup>99</sup> However, the resolution did not establish a commission of inquiry and did not address the United States directly. Human rights defenders all over the world expressed their disappointment with the

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<https://www.ohchr.org/en/statements/2020/06/human-rights-council-holds-urgent-debate-current-racially-inspired-human-rights?LangID=E&NewsID=25971>.

<sup>95</sup> “Human Rights Council Holds an Urgent Debate on Current Racially Inspired Human Rights Violations, Systemic Racism, Police Brutality and Violence against Peaceful Protests.” OHCHR, June 17, 2020. <https://www.ohchr.org/en/statements/2020/06/human-rights-council-holds-urgent-debate-current-racially-inspired-human-rights?LangID=E&NewsID=25971>.

<sup>96</sup> “Human Rights Council Holds an Urgent Debate on Current Racially Inspired Human Rights Violations, Systemic Racism, Police Brutality and Violence against Peaceful Protests.” OHCHR, June 17, 2020. <https://www.ohchr.org/en/statements/2020/06/human-rights-council-holds-urgent-debate-current-racially-inspired-human-rights?LangID=E&NewsID=25971>.

<sup>97</sup> “Report of the Council's urgent debate on current racially inspired human rights violations, systematic racism, police brutality against people of African descent and violence against peaceful protests during HRC43.” 2020. Universal Rights Group. <https://www.universal-rights.org/blog/report-of-the-councils-urgent-debate-on-current-racially-inspired-human-rights-violations/>.

<sup>98</sup> United Nations Human Rights Council (UNHCR). Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers: resolution / adopted by the Human Rights Council on 19 June 2020. A/HRC/RES/43/1

<sup>99</sup> United Nations Human Rights Council (UNHCR). Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers: resolution / adopted by the Human Rights Council on 19 June 2020. A/HRC/RES/43/1

final text of the resolution. Salimah Hankins, Interim Executive Director of the US Human Rights Network, called the resolution a ‘failure’ and said that UN member States and Australia, and European countries specifically “chose to prioritize narrow and myopic political interests over human rights”.<sup>100</sup> Salma El Hosseiny, Programme Manager at the International Service for Human Rights, stated that state delegations, particularly those from Europe and Latin America, worked in coordination to shift the focus of the resolution from the United States to the generic.<sup>101</sup>

## 2.2. Russia

### 2.2.1 Overview

In the United Nations, the Russian Federation is a part of the ‘Eastern European States’ regional group.<sup>102</sup> However, informally, Russia is a part of the Like-Minded Group, together with China, Cuba, and Egypt as well as India, Pakistan, South Africa, Saudi Arabia, and others.<sup>103</sup> This group was active in the Commission on Human Rights and disappeared with the establishment of HRC only to reappear in 2013, at the same time several members of the group, including Russia and China,<sup>104</sup> left the Council.<sup>105</sup> As Amr Essam, Second Secretary at the permanent mission of Egypt to the UN in Geneva stated in 2016, the group became active in 2013, because the ‘delicate balance’, reached in the early years of the existence of the HRC,

<sup>100</sup> “HRC43 | High Commissioner and independent experts to examine killing of George Floyd, systemic racism and police violence.” 2020. International Service for Human Rights. <https://ishr.ch/latest-updates/hrc43-high-commissioner-and-independent-experts-examine-killing-george-floyd-systemic-racism/>.

<sup>101</sup> “HRC43 | High Commissioner and independent experts to examine killing of George Floyd, systemic racism and police violence.” 2020. International Service for Human Rights. <https://ishr.ch/latest-updates/hrc43-high-commissioner-and-independent-experts-examine-killing-george-floyd-systemic-racism/>.

<sup>102</sup> “Regional groups of Member States | Department for General Assembly and Conference Management.” n.d. the United Nations. Accessed June 11, 2023. <https://www.un.org/dgacm/en/content/regional-groups>.

<sup>103</sup> The Human Rights Council: a practical guide. Edited by the Permanent Mission of Switzerland to the United Nations Office and to the other international organisations in Geneva, 2015. [https://academy.ishr.ch/upload/resources\\_and\\_tools/SwissGuide\\_HRC\\_en.pdf](https://academy.ishr.ch/upload/resources_and_tools/SwissGuide_HRC_en.pdf), P. 26.

<sup>104</sup> “Membership of the Human Rights Council 1 January - 31 December 2013 by year when term expires.” 2013. OHCHR. <https://www.ohchr.org/en/hr-bodies/hrc/year2013>.

<sup>105</sup> The Human Rights Council: a practical guide. Edited by the Permanent Mission of Switzerland to the United Nations Office and to the other international organisations in Geneva, 2015. [https://academy.ishr.ch/upload/resources\\_and\\_tools/SwissGuide\\_HRC\\_en.pdf](https://academy.ishr.ch/upload/resources_and_tools/SwissGuide_HRC_en.pdf), P. 22.

was disturbed.<sup>106</sup> However, one can argue that the actual goal of the ‘Like-Minded’ group is the protection of its members from international scrutiny. For instance, Human Rights Watch in its report on China in 2017, stated that the state and the group as a whole have a significant role in the Human Rights Council: “in opposing all country-specific resolutions to address the most serious human rights situations, except those critical of Israel, and in attempting to weaken the UN mechanisms themselves”.<sup>107</sup> The ‘delicate balance’, as the respected Second Secretary at the permanent mission of Egypt to the UN called it, resulted in the Russian occupation in 2008 in Georgia and 2014 in Ukraine being completely ignored by the Council, just as, for example, the electoral violations and violent dispersals of peaceful protests in Moscow in 2011-2012.

### 2.2.2. Russia’s impunity in the Human Rights Council

Russia has been a member of the Human Rights Council in almost every session of its work. Through the years Russia has been shifting to autocracy, the human rights situation in the country worsened, and its stance has been becoming more defensive. However, until recently Russia’s geopolitical influence and cooperation with developing countries and China protected it from international scrutiny. This is perhaps best illustrated by the case of Russia's occupation of Crimea, completely ignored by the Council.

On March 18th of 2014, two days after an internationally unrecognised referendum in Crimea<sup>108</sup>, and the same day self-proclaimed leaders of ‘The Republic of Crimea’ signed the Treaty on the Adoption of the Republic of Crimea to Russia with Vladimir Putin<sup>109</sup>, the Human

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<sup>106</sup> Essam, Amr. 2016. “The Like Minded Group (LMG): Speaking truth to power.” Universal Rights Group. <https://www.universal-rights.org/blog/like-minded-group-lmg-speaking-truth-power/>.

<sup>107</sup> “The Costs of International Advocacy: China's Interference in United Nations Human Rights Mechanisms | HRW.” 2017. Human Rights Watch. <https://www.hrw.org/report/2017/09/05/costs-international-advocacy/chinas-interference-united-nations-human-rights>.

<sup>108</sup> “Crimea referendum: Voters 'back Russia union.’” 2014. BBC. <https://www.bbc.com/news/world-europe-26606097>.

<sup>109</sup> “Ukraine crisis: Putin signs Russia-Crimea treaty.” 2014. BBC. <https://www.bbc.com/news/world-europe-26630062>.

Rights Council held a general debate on human rights issues, requiring its attention.<sup>110</sup> The only states to bring up and condemn the annexation were Norway, Ireland, Canada, Georgia, and Germany.<sup>111</sup> On March 27th, the General Assembly adopted a resolution affirming its commitment to the sovereignty, political independence, unity, and territorial integrity of Ukraine and calling upon all States not to recognize any alteration of the status of the Autonomous Republic of Crimea and the city of Sevastopol.<sup>112</sup> Notably, the resolution does not refer to the Russian Federation directly. Out of 193 member-States, 100 voted in favour of the resolution, 58 states abstained, 24 did not vote and 11 voted against: Armenia, Belarus, Bolivia, Cuba, Democratic People's Republic of Korea, Sudan, Syria, Venezuela, Zimbabwe and Russia itself.<sup>113</sup>

During the following months, Ukraine repeatedly drew the Council's attention to the occupation and human rights violations caused by it.<sup>114</sup> However, the only countries who raised their voice to support Ukraine's stance were again those from the 'Western European and other Countries' regional group, namely the United Kingdom<sup>115</sup>, and the United States on behalf of

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<sup>110</sup> "Human Rights Council holds general debate on human rights..." 2014. ohchr. <https://www.ohchr.org/en/press-releases/2014/03/human-rights-council-holds-general-debate-human-rights-situations-requiring>.

<sup>111</sup> "Human Rights Council holds general debate on human rights..." 2014. ohchr. <https://www.ohchr.org/en/press-releases/2014/03/human-rights-council-holds-general-debate-human-rights-situations-requiring>.

<sup>112</sup> "Territorial integrity of Ukraine : resolution / adopted by the General Assembly." 2014. United Nations Digital Library System. <https://digitallibrary.un.org/record/767565?ln=ru>.

<sup>113</sup> "Territorial integrity of Ukraine : resolution / adopted by the General Assembly." 2014. United Nations Digital Library System. <https://digitallibrary.un.org/record/767565?ln=ru>.

<sup>114</sup> See, for example, <https://www.ohchr.org/en/press-releases/2014/03/human-rights-council-holds-general-debate-racism-racial-discrimination> <https://www.ohchr.org/en/press-releases/2014/03/human-rights-council-discusses-reports-guatemala-bolivia-colombia-cyprus-and> <https://www.ohchr.org/en/press-releases/2014/06/council-holds-general-debates-thematic-reports-all-human-rights-and-human>

<sup>115</sup> "Human Rights Council discusses reports on Guatemala, Bolivia ..." 2014. OHCHR. <https://www.ohchr.org/en/press-releases/2014/03/human-rights-council-discusses-reports-guatemala-bolivia-colombia-cyprus-and>.

the group of states<sup>116</sup>, Germany, and Austria.<sup>117</sup> During the Council's meeting on June 10th, a representative of the Russian Federation, answering to the statements made by the United States, European Union, and Ukraine, stated that the civil rights of the population of Crimea were now far better protected than when the region was a part of Ukraine.<sup>118</sup>

Finally, on June 25th the council adopted the resolution on the situation in Ukraine.<sup>119</sup> In the resolution, drafted chiefly by European (both Western and Eastern European regional groups), the HRC welcomed cooperation with the government of Ukraine, called it upon to continue the investigation of the human rights violations, and expressed its concerns on 'illegal armed groups' in Luhansk and Donetsk regions and the Autonomous Republic of Crimea. Russia was not mentioned in the resolution, despite the occupation of Crimea, and Russian soldiers fighting in Eastern Ukraine for the self-proclaimed new authorities in this region.<sup>120</sup> However, even this vague and neutral resolution was not adopted by consensus, with China, Cuba, Venezuela, and Russia voting against it, and Algeria, Argentina, Brazil, Burkina Faso, Congo, Ethiopia, Gabon, India, Indonesia, Kazakhstan, Kenya, Kuwait, Namibia, Pakistan, Peru, Saudi Arabia, South Africa, United Arab Emirates, and Vietnam abstaining.<sup>121</sup>

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<sup>116</sup> "Human Rights Council discusses reports on Guatemala, Bolivia ..." 2014. OHCHR. <https://www.ohchr.org/en/press-releases/2014/03/human-rights-council-discusses-reports-guatemala-bolivia-colombia-cyprus-and>.

<sup>117</sup> "Council holds general debates on thematic reports, all human rights, and human rights situations requiring attention." 2014. OHCHR. <https://www.ohchr.org/en/press-releases/2014/06/council-holds-general-debates-thematic-reports-all-human-rights-and-human>.

<sup>118</sup> "Council holds dialogue with special rapporteurs on freedom of expression and freedom of assembly and association." 2014. OHCHR. <https://www.ohchr.org/en/press-releases/2014/06/council-holds-dialogue-special-rapporteurs-freedom-expression-and-freedom>.

<sup>119</sup> United Nations Human Rights Council (UNHCR). Cooperation and assistance to Ukraine in the field of human rights: resolution / adopted by the Human Rights Council on 25 June 2014. A/HRC/26/L.15/Rev.1.

<sup>120</sup> United Nations Human Rights Council (UNHCR). Cooperation and assistance to Ukraine in the field of human rights: resolution / adopted by the Human Rights Council on 25 June 2014. A/HRC/26/L.15/Rev.1.

<sup>121</sup> "Human Rights Council adopts six resolutions, creates mandate on Côte d'Ivoire." 2014. OHCHR. <https://www.ohchr.org/en/press-releases/2014/06/human-rights-council-adopts-six-resolutions-creates-mandate-cote-divoire>.

### 2.2.3. Russian aggression in Ukraine and the suspension from the HRC

Perhaps one of the most breakthrough cases of scrutiny in the Human Rights Council is the recent suspension of Russia from the Human Rights Council, the second case of suspension in the Council's history with the only previous example of Libya's removal in 2011.<sup>122</sup>

Russia was re-elected as a member of the HRC in 2021.<sup>123</sup> Notably, by that time Russia has become as repressive as ever in its modern history. In 2020 Russian Constitution was amended, allowing President Putin to stay in power until 2036, and introduced new controversial provisions, such as the one defining marriage as a union of a man and a woman,<sup>124</sup> ethnic Russians being a 'state-building' nationality, and Russia itself being 'an entity with a 1,000-year history that honors the memory of ancestors who passed on to the next generations their ideals and their faith' in God.<sup>125</sup> The same year, arguably the most supported Russian opposition leader Alexey Navalny, was poisoned with Novichok, a Soviet-era nerve agent.<sup>126</sup> The investigation of UN special rapporteurs concluded that Russia is responsible for Navalny's poisoning and attempted murder.<sup>127</sup> The next year Navalny was arrested and imprisoned after his return to Russia.<sup>128</sup> Protests, following his detention, were met with the excessive use of force and violence from the police.<sup>129</sup> Finally, by 2021 the scale of human rights violations

<sup>122</sup> United Nations General Assembly (UNGA). Suspension of the rights of membership of the Libyan Arab Jamahiriya in the Human Rights Council: resolution / adopted by the General Assembly. A/RES/65/265.

<sup>123</sup> Membership of the Human Rights Council, 1 January - 31 December 2021 by year when term expires." n.d. OHCHR. Accessed June 16, 2023. <https://www.ohchr.org/en/hr-bodies/hrc/year2021>.

<sup>124</sup> "Putin wins referendum on constitutional reforms – DW – 07/02/2020." 2020. DW. <https://www.dw.com/en/russias-putin-wins-referendum-on-constitutional-reforms/a-54018337>.

<sup>125</sup> Kotrikadze, Ekaterina, and Marina Agaltsova. 2020. "Putin's New Constitution: The Court Weighs In." Wilson Center. <https://www.wilsoncenter.org/blog-post/putins-new-constitution-court-weighs>.

<sup>126</sup> Poor, Liza. 2021. "Russia responsible for Navalny poisoning, rights experts say." UN News. <https://news.un.org/en/story/2021/03/1086012>.

<sup>127</sup> Poor, Liza. 2021. "Russia responsible for Navalny poisoning, rights experts say." UN News. <https://news.un.org/en/story/2021/03/1086012>.

<sup>128</sup> "Russia Navalny: Poisoned opposition leader held after flying home." 2021. BBC. <https://www.bbc.com/news/world-europe-55694598>.

<sup>129</sup> "OVD-Info's position on mass persecution in connection with the protest rallies of January 23, 2021 | ОБД-Инфо." 2022. OVD-Info. <https://en.ovdinfo.org/ovd-infos-position-mass-persecution-connection-protest-rallies-january-23-2021>.

increased gravely with consistent persecution of political activists, human rights defenders, and journalists, the absolute prohibition of protests justified by covid restrictions, and the lack of access to effective remedies to address human rights violations.<sup>130</sup>

On February 24 of 2022, Russia began the full-scale invasion of Ukraine.<sup>131</sup> On February 28th, the HRC opened its 48th session and voted to hold an urgent debate on the situation in Ukraine with 29 votes in favour, 5 votes against, and 13 abstentions.<sup>132</sup> Expectedly, China, Cuba, Eritrea, Venezuela, and the Russian Federation itself voted against the proposal.<sup>133</sup> However, Brazil, Russia's ally in BRICS, and Qatar, a country-member to the OIC, voted in favour, along with many other states from 'Asia-Pacific', 'Latin and Caribbean', and 'African' groups<sup>134</sup>, showing a surprising diversity in the vote. It is hard to imagine that in any other circumstances, some of these states would vote, *de facto*, against Russia. This vote showed that in the case of aggression in Ukraine, unlike before, Russia will face an unprecedented backlash from the international community.

In the following days, the invasion of Ukraine remained a dominant topic of discussion in the HRC.<sup>135</sup> Finally, on March 3rd the urgent debate started.<sup>136</sup> The next day, The Council

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<sup>130</sup> "World Report 2021: Rights Trends in Russia," Human Rights Watch, January 13, 2021, accessed January 31, 2023, <https://www.hrw.org/world-report/2021/country-chapters/russia>.

<sup>131</sup> "February 24 2023: Russia's unprovoked and unjustified full-scale invasion and war in Ukraine one year later... | EEAS." 2023. EEAS. [https://www.eeas.europa.eu/delegations/trinidad-and-tobago/february-24-2023-russias-unprovoked-and-unjustified-full-scale\\_en?s=156](https://www.eeas.europa.eu/delegations/trinidad-and-tobago/february-24-2023-russias-unprovoked-and-unjustified-full-scale_en?s=156).

<sup>132</sup> "Human Rights Council Opens Forty-Ninth Session, Decides to Hold an Urgent Debate on Situation in Ukraine." 2022. OHCHR. <https://www.ohchr.org/en/press-releases/2022/04/human-rights-council-opens-forty-ninth-session-decides-hold-urgent-debate>.

<sup>133</sup> "Human Rights Council Opens Forty-Ninth Session, Decides to Hold an Urgent Debate on Situation in Ukraine." 2022. OHCHR. <https://www.ohchr.org/en/press-releases/2022/04/human-rights-council-opens-forty-ninth-session-decides-hold-urgent-debate>.

<sup>134</sup> "Human Rights Council Opens Forty-Ninth Session, Decides to Hold an Urgent Debate on Situation in Ukraine." 2022. OHCHR. <https://www.ohchr.org/en/press-releases/2022/04/human-rights-council-opens-forty-ninth-session-decides-hold-urgent-debate>.

<sup>135</sup> "On the Second Day of the Human Rights Council's High-level Segment, Russia's attack on Ukraine Continues to Dominate the Discussion." 2022. OHCHR. <https://www.ohchr.org/en/news/2022/03/second-day-human-rights-councils-high-level-segment-russias-attack-ukraine-continues>.

<sup>136</sup> Human Rights Council Begins Urgent Debate on Situation of Human Rights in Ukraine Stemming from the Russian Aggression." 2022. OHCHR. <https://www.ohchr.org/en/press-releases/2022/03/human-rights-council-begins-urgent-debate-situation-human-rights-ukraine>.



adopted a Resolution establishing an independent commission of inquiry to investigate all alleged violations of human rights in the context of the Russian Federation's aggression against Ukraine<sup>137</sup>, with 32 votes in favour, 13 abstentions, and only 2 votes against – of Eritrea and Russian Federation.<sup>138</sup> For the first time, some speakers called for Russia's suspension from the HRC.<sup>139</sup> A few days later 50 NGOs from different regions of the world started a campaign urging to suspend Russia from the council.<sup>140</sup> Among reasons for the suspension the campaign listed Russia's systematic human rights violations, the fact that the country's membership undermines the institutional integrity of the Council and authority of the UN General Assembly, and maintains Russia's impunity.<sup>141</sup>

At the beginning of April, when Russian troops left the territory surrounding the Ukrainian capital Kyiv, journalists reported mass killings of civilians in the towns of Bucha, Irpin, and Hostomel.<sup>142</sup> On April 3rd UN Secretary-General António Guterres, stated that he is 'deeply shocked by the images of civilians killed in Bucha', and urged to have an independent investigation on the matter.<sup>143</sup> On April 7th, Ukraine to the UN General Assembly a draft

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<sup>137</sup> United Nations Human Rights Council (UNHCR). Situation of human rights in Ukraine stemming from the Russian aggression / adopted by the Human Rights Council. A/HRC/49/L.1.

<sup>138</sup> "Human Rights Council establishes an Independent International Commission of Inquiry to investigate all alleged violations of human rights in the context of the Russian Federation's aggression against Ukraine." 2022. OHCHR. <https://www.ohchr.org/en/press-releases/2022/03/human-rights-council-establishes-independent-international-commission>.

<sup>139</sup> "Human Rights Council establishes an Independent International Commission of Inquiry to investigate all alleged violations of human rights in the context of the Russian Federation's aggression against Ukraine." 2022. OHCHR. <https://www.ohchr.org/en/press-releases/2022/03/human-rights-council-establishes-independent-international-commission>.

<sup>140</sup> Lynch, Phil. 2022. "Russia: UN General Assembly should suspend Russia's membership of UN Human Rights Council." International Service for Human Rights. <https://ishr.ch/latest-updates/russian-federation-un-general-assembly-should-suspend-russias-membership-of-un-human-rights-council/>.

<sup>141</sup> "States must vote #RussiaOutOfHRC. | ISHR." n.d. International Service for Human Rights. Accessed June 15, 2023. <https://ishr.ch/campaign/states-must-vote-russiaoutofhrc-join-the-campaign/>.

<sup>142</sup> Rankin, Jennifer, Daniel Boffey, and Aubrey Allegretti. 2022. "Killing of civilians in Bucha and Kyiv condemned as 'terrible war crime.'" The Guardian. <https://www.theguardian.com/world/2022/apr/03/eu-leaders-condemn-killing-of-unarmed-civilians-in-bucha-and-kyiv>.

<sup>143</sup> Guterres, António. 2022. "Ukraine: Secretary-General calls for probe into Bucha killings." UN News. <https://news.un.org/en/story/2022/04/1115442>.

resolution suspending Russia from the Human Rights Council<sup>144</sup>, which was adopted with 93 votes in favour.<sup>145</sup> However, the reaction to this decision was controversial. 24 states voted against the resolution, and 58 chose to abstain. Representatives of Iran and Syria marked the decision to suspend Russia as politically driven, Cuba's delegate stated that it set a precedent to use the ground for suspension for political purposes in the future. Several states' representatives, such as South Africa's, Mexico's, and Cambodia's, made similar statements proposing closer dialogue, expressing their concerns that the suspension will only result in Russia's isolation, but not conflict resolution.<sup>146</sup> China's ambassador Zhang Jun claimed that the suspension is setting a dangerous precedent, intensifying the confrontation in the field of human rights.<sup>147</sup>

The contrast in the reaction of the international community to the occupation of Crimea and the invasion of Ukraine is indeed impressive. It seems that one of the reasons for it is the fact that the prohibition of war is still a fundamental principle of international relations for the majority of States.<sup>148</sup> Even countries usually cooperating, or avoiding the direct confrontation with Russia, chose to either take an active stance or to abstain. Despite the suspension being a controversial measure, since it did not stop the aggression of Ukraine, I still find it an improvement. The General Assembly showed that it will follow rules and minimal, but standards, established by it for the members of the Human Rights Council.

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<sup>144</sup> United Nations General Assembly (UNGA). Suspension of the rights of membership of the Russian Federation in the Human Rights Council / adopted by the General Assembly. A/RES/ES-11/3.

<sup>145</sup> "General Assembly Adopts Text to Suspend Russian Federation from Human Rights Council, Continuing Emergency Special Session on Humanitarian Crisis in Ukraine | UN Press." 2022. UN Press. <https://press.un.org/en/2022/ga12414.doc.htm>.

<sup>146</sup> "General Assembly Adopts Text to Suspend Russian Federation from Human Rights Council, Continuing Emergency Special Session on Humanitarian Crisis in Ukraine | UN Press." 2022. UN Press. <https://press.un.org/en/2022/ga12414.doc.htm>.

<sup>147</sup> "UN General Assembly Votes to Suspend Russia from the Human Rights Council | UN News," United Nations (United Nations, April 7, 2022), accessed December 13, 2022, <https://news.un.org/en/story/2022/04/1115782>.

<sup>148</sup> Feltman, Jeffrey. 2023. "How Russia's invasion of Ukraine tested the international legal order." Brookings Institution. <https://www.brookings.edu/on-the-record/how-russias-invasion-of-ukraine-tested-the-international-legal-order/>.

## 2.3. China

### 2.3.1 Overview

In the United Nations, China is a part of the ‘Asia-Pacific States’ regional group.<sup>149</sup> Informally, China is also coordinating, together with Russia and Egypt<sup>150</sup>, the ‘Like-Minded’ group of states.<sup>151</sup> Notably, while being a part of the majority of the UN human rights treaties, China signed but never ratified the International Covenant of Civil and Political Rights.<sup>152</sup> Since the creation of the Human Rights Council China has been its Member every year, except for 2013 and 2020<sup>153</sup>, remaining one of the most influential states in the Council. Like Russia, China consistently opposes itself to the ‘Western values’ of the block of European countries and the United States and consistently explains allegations of human rights abuses by the political interests of their opponents.

In 2017, a report was published by Human Rights Watch (HRW) that detailed China’s interference in the United Nations Human Rights System.<sup>154</sup> According to HRW experts, China consistently attempts to undermine resolutions concerning civil rights, human rights defenders, and peaceful protests, even in cases unrelated to its national interests.<sup>155</sup> As described above in the overview paragraph on Russia, HRW emphasised the role of the ‘Like-Minded’ group in weakening the work of the Human Rights Council and resisting the Council’s ability to adopt

<sup>149</sup> “Regional groups of Member States | Department for General Assembly and Conference Management.” n.d. the United Nations. Accessed June 11, 2023. <https://www.un.org/dgacm/en/content/regional-groups>.

<sup>150</sup> Essam, Amr. 2016. “The Like Minded Group (LMG): Speaking truth to power.” Universal Rights Group. <https://www.universal-rights.org/blog/like-minded-group-lmg-speaking-truth-power/>.

<sup>151</sup> The Human Rights Council: a practical guide. Edited by the Permanent Mission of Switzerland to the United Nations Office and to the other international organisations in Geneva, 2015. [https://academy.ishr.ch/upload/resources\\_and\\_tools/SwissGuide\\_HRC\\_en.pdf](https://academy.ishr.ch/upload/resources_and_tools/SwissGuide_HRC_en.pdf). P. 26.

<sup>152</sup> “View the ratification status by country or by treaty.” n.d. UN Treaty Body Database. Accessed June 10, 2023. [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/treaty.aspx](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/treaty.aspx).

<sup>153</sup> “China.” 2023. YouHrc.org. <https://yourhrc.org/country-detail/?country=China>.

<sup>154</sup> “The Costs of International Advocacy: China's Interference in United Nations Human Rights Mechanisms | HRW.” 2017. Human Rights Watch. <https://www.hrw.org/report/2017/09/05/costs-international-advocacy/chinas-interference-united-nations-human-rights>.

<sup>155</sup> “The Costs of International Advocacy: China's Interference in United Nations Human Rights Mechanisms | HRW.” 2017. Human Rights Watch. <https://www.hrw.org/report/2017/09/05/costs-international-advocacy/chinas-interference-united-nations-human-rights>.

country-specific approaches.<sup>156</sup> One notable case mentioned in the report involves Chinese activist Cao Shunli, who was detained in 2013 after advocating for the inclusion of civil society in China's second Universal Periodic Review and attempting to travel to Geneva for participation in the Human Rights Council's meetings.<sup>157</sup> Tragically, Cao Shunli fell critically ill and died while in detention.<sup>158</sup> In 2014, China blocked a proposed moment of silence for Cao Shunli, put forth by NGOs within the Council.<sup>159</sup> The report also highlighted the detentions of two other activists, Chen Jianfang and Peng Lanlan, in China as a consequence of their involvement with the Human Rights Council and their statements regarding the Universal Periodic Review.<sup>160</sup>

### 2.3.2. Human rights abuses in the Xinjiang Region

Since 2017, there have been numerous reports of human rights abuses in the Xinjiang region, in China. Reports show that Muslim minority groups, estimated numbers from eight hundred thousand to 2 million, mostly of Uyghur ethnicity, but also ethnic Kazakhs and Uzbeks, have been detained in 're-education camps'.<sup>161</sup> The Chinese government denied all the allegations, stating that the region and its residents 'enjoyed stability and prosperity' and that the expansion of the camps, which the Chinese authorities refer to as 'vocational education and

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<sup>156</sup> "The Costs of International Advocacy: China's Interference in United Nations Human Rights Mechanisms | HRW." 2017. Human Rights Watch. <https://www.hrw.org/report/2017/09/05/costs-international-advocacy/chinas-interference-united-nations-human-rights>.

<sup>157</sup> "The Costs of International Advocacy: China's Interference in United Nations Human Rights Mechanisms | HRW." 2017. Human Rights Watch. <https://www.hrw.org/report/2017/09/05/costs-international-advocacy/chinas-interference-united-nations-human-rights>.

<sup>158</sup> "The Costs of International Advocacy: China's Interference in United Nations Human Rights Mechanisms | HRW." 2017. Human Rights Watch. <https://www.hrw.org/report/2017/09/05/costs-international-advocacy/chinas-interference-united-nations-human-rights>.

<sup>159</sup> "The Costs of International Advocacy: China's Interference in United Nations Human Rights Mechanisms | HRW." 2017. Human Rights Watch. <https://www.hrw.org/report/2017/09/05/costs-international-advocacy/chinas-interference-united-nations-human-rights>.

<sup>160</sup> "The Costs of International Advocacy: China's Interference in United Nations Human Rights Mechanisms | HRW." 2017. Human Rights Watch. <https://www.hrw.org/report/2017/09/05/costs-international-advocacy/chinas-interference-united-nations-human-rights>.

<sup>161</sup> Campbell, Heidi, Paul B. Raushenbush, Lindsay Maizland, and Joshua Kurlantzick. 2022. "China's Repression of Uyghurs in Xinjiang." Council on Foreign Relations. <https://www.cfr.org/backgrounder/china-xinjiang-uyghurs-muslims-repression-genocide-human-rights>.

training centers' (VETC)<sup>162</sup> are 'an effective tool for re-educating inmates in its fight against terrorism'.<sup>163</sup>

In 2021, a group of 43 states delivered a statement on the human rights situation in the Xinjiang Uyghur Autonomous Region of China.<sup>164</sup> The group of signatories consisted mainly of states from the European regional groups, with several states from 'Asia-Pacific', such as Japan and Palau, and 'Latin and Caribbean', such as Honduras and Haiti, regional groups.<sup>165</sup> The statement expressed concerns about the discrimination against Uyghurs and members of other Muslim minorities, including reports on 'torture or cruel, inhuman and degrading treatment or punishment, forced sterilization, sexual and gender-based violence, and forced separation of children from their parents by authorities'.<sup>166</sup>

Same year Parliaments of Belgium, Canada, the Czech Republic, Lithuania, the Netherlands, and the UK passed resolutions stating that the actions of the Chinese government constitute genocide against Uyghurs.<sup>167</sup> A similar statement of concern was made by a group of 44 states during the 47th session of the HRC.<sup>168</sup> Michelle Bachelet, the UN High Commissioner at the time, expressed her regret the Chinese Government did not give her access

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<sup>162</sup> Campbell, Heidi, Paul B. Raushenbush, Lindsay Maizland, and Joshua Kurlantzick. 2022. "China's Repression of Uyghurs in Xinjiang." Council on Foreign Relations. <https://www.cfr.org/background/china-xinjiang-uyghurs-muslims-repression-genocide-human-rights>.

<sup>163</sup> "Who are the Uyghurs and why is China being accused of genocide?" 2022. BBC. <https://www.bbc.com/news/world-asia-china-22278037>.

<sup>164</sup> Norton, Leslie E. 2021. "Joint statement on human rights situation in Xinjiang at 47th Session of UN Human Rights Council." Global Affairs Canada. [https://www.international.gc.ca/world-monde/international\\_relations-relations\\_internationales/un-onu/statements-declarations/2021-06-22-statement-declaration.aspx?lang=eng](https://www.international.gc.ca/world-monde/international_relations-relations_internationales/un-onu/statements-declarations/2021-06-22-statement-declaration.aspx?lang=eng).

<sup>165</sup> Norton, Leslie E. 2021. "Joint statement on human rights situation in Xinjiang at 47th Session of UN Human Rights Council." Global Affairs Canada. [https://www.international.gc.ca/world-monde/international\\_relations-relations\\_internationales/un-onu/statements-declarations/2021-06-22-statement-declaration.aspx?lang=eng](https://www.international.gc.ca/world-monde/international_relations-relations_internationales/un-onu/statements-declarations/2021-06-22-statement-declaration.aspx?lang=eng).

<sup>166</sup> Norton, Leslie E. 2021. "Joint statement on human rights situation in Xinjiang at 47th Session of UN Human Rights Council." Global Affairs Canada. [https://www.international.gc.ca/world-monde/international\\_relations-relations\\_internationales/un-onu/statements-declarations/2021-06-22-statement-declaration.aspx?lang=eng](https://www.international.gc.ca/world-monde/international_relations-relations_internationales/un-onu/statements-declarations/2021-06-22-statement-declaration.aspx?lang=eng).

<sup>167</sup> Roth, Kenneth. n.d. "World Report 2022: China." Human Rights Watch. Accessed June 11, 2023. <https://www.hrw.org/world-report/2022/country-chapters/china-and-tibet#73fccc>.

<sup>168</sup> Roth, Kenneth. n.d. "World Report 2022: China." Human Rights Watch. Accessed June 11, 2023. <https://www.hrw.org/world-report/2022/country-chapters/china-and-tibet#73fccc>.

to Xinjiang and said that her office would issue an assessment of the human rights situation in the region.<sup>169</sup>

Since 2018, the High Commissioner has been expressing her concerns about arbitrary detentions of Muslim minorities and sought an official visit to the region.<sup>170</sup> Throughout the following years, OHCHR prepared its report on the human rights situation in Xinjiang, and in September of 2021, Bachelet announced to the Human Rights Council that it is being finalised.<sup>171</sup> In May of 2022, Michelle Bachelet had a 6-day visit to Xinjiang – the first visit to China by a U.N. Human Rights High Commissioner in 17 years.<sup>172</sup> The access given to Bachelet was limited, as stated by the government, due to the Covid restrictions.<sup>173</sup> In her statement after the visit, the High Commissioner said that she ‘raised questions and concerns about the application of counter-terrorism and deradicalisation measures under broad application, particularly the impact on the rights of Uyghurs and other predominantly Muslim minorities’.<sup>174</sup> Bachelet’s vague statements and failure to address human rights abuses directly raised criticism in the human rights community.<sup>175</sup> <sup>176</sup> In the summer, journalists reported that

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<sup>169</sup> Roth, Kenneth. n.d. “World Report 2022: China.” Human Rights Watch. Accessed June 11, 2023. <https://www.hrw.org/world-report/2022/country-chapters/china-and-tibet#73fccc>.

<sup>170</sup> “China: Un Visit Falls Short of Addressing Crimes against Humanity in Xinjiang,” Amnesty International, May 31, 2022, <https://www.amnesty.org/en/latest/news/2022/05/un-xinjiang-china-visit/>.

<sup>171</sup> “China: Long-delayed UN report must spur accountability for crimes against humanity in Xinjiang.” 2022. Amnesty International. <https://www.amnesty.org/en/latest/news/2022/09/china-long-delayed-un-report-must-spur-accountability-for-crimes-against-humanity-in-xinjiang/>.

<sup>172</sup> Tian, Lun, and Tony Munroe. 2022. “U.N. rights chief says she urged China to review counter-terrorism policies.” Reuters. <https://www.reuters.com/world/china/un-rights-chief-says-she-urged-china-review-counter-terrorism-policies-2022-05-28/>.

<sup>173</sup> Tian, Lun, and Tony Munroe. 2022. “U.N. rights chief says she urged China to review counter-terrorism policies.” Reuters. <https://www.reuters.com/world/china/un-rights-chief-says-she-urged-china-review-counter-terrorism-policies-2022-05-28/>.

<sup>174</sup> Tian, Lun, and Tony Munroe. 2022. “U.N. rights chief says she urged China to review counter-terrorism policies.” Reuters. <https://www.reuters.com/world/china/un-rights-chief-says-she-urged-china-review-counter-terrorism-policies-2022-05-28/>.

<sup>175</sup> “China: Long-delayed UN report must spur accountability for crimes against humanity in Xinjiang.” 2022. Amnesty International. <https://www.amnesty.org/en/latest/news/2022/09/china-long-delayed-un-report-must-spur-accountability-for-crimes-against-humanity-in-xinjiang/>.

<sup>176</sup> Rogers, Benedict. 2022. “Michelle Bachelet’s Xinjiang Disaster Taints Her Legacy at the United Nations.” Foreign Policy. <https://foreignpolicy.com/2022/06/13/michelle-bachelets-failed-xinjiang-trip-has-tainted-her-whole-legacy/>.

the Chinese government pressured the High Commissioner not to publish the report, stating that it would harm the cooperation between OHCHR and member states.<sup>177</sup>

Finally, the report was published on August 21 of 2022<sup>178</sup>, minutes before the end of Bachelet's term as the High Commissioner.<sup>179</sup> It stated that OHCHR started to receive messages about the disappearances of the Uyghur population in Xinjiang, and from 2018 concerns the human rights violations in the region were expressed by numerous UN experts.<sup>180</sup>

The interviews with those held in the VETC facilities showed that they were prohibited to disclose information about their living conditions.<sup>181</sup> They were told to say that they 'are fine' and can go home every night, and they are studying and the food is 'acceptable' when met with foreign delegates.<sup>182</sup> When being detained and held in the facilities, none of the interviewees were told how long their detention is going to last.<sup>183</sup> The report concluded that 'there is a significant concern that deprivations of liberty in VETC facilities are applied discriminatorily, which compounds the arbitrary character of detention in the centers'.<sup>184</sup>

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<sup>177</sup> Farge, Emma. 2022. "EXCLUSIVE China seeks to stop UN rights chief from releasing Xinjiang report - document." Reuters. <https://www.reuters.com/world/china/exclusive-china-seeks-stop-un-rights-chief-releasing-xinjiang-report-document-2022-07-19/>.

<sup>178</sup> "OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China." 2022. OHCHR. <https://www.ohchr.org/en/documents/country-reports/ohchr-assessment-human-rights-concerns-xinjiang-uyghur-autonomous-region>.

<sup>179</sup> "US Asks UN Rights Council to Debate China Rights Abuses." 2022. VOA. <https://www.voanews.com/a/us-asks-un-rights-council-to-debate-china-rights-abuses/6763187.html>.

<sup>180</sup> United Nations Human Rights: Office of the High Commissioner. OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China. 31 August 2022. <https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assesment.pdf>. Par. 1.

<sup>181</sup> United Nations Human Rights: Office of the High Commissioner. OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China. 31 August 2022. <https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assesment.pdf>. Par. 43.

<sup>182</sup> United Nations Human Rights: Office of the High Commissioner. OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China. 31 August 2022. <https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assesment.pdf>. Par. 43.

<sup>183</sup> United Nations Human Rights: Office of the High Commissioner. OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China. 31 August 2022. <https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assesment.pdf>. Par. 42.

<sup>184</sup> United Nations Human Rights: Office of the High Commissioner. OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China. 31 August 2022.

Furthermore, two-thirds of interviewed stated that during their detention in the facilities, they experienced actions amounting to torture or other forms of ill-treatment: ‘Their accounts included being beaten with batons, including electric batons while strapped in a so-called ‘tiger chair’; being subjected to interrogation with water being poured in their faces; prolonged solitary confinement; and being forced to sit motionless on small stools for prolonged periods of time’.<sup>185</sup> Some of interviewees reported that they were prohibited to speak their native languages and practice their religion.<sup>186</sup> Some described that they experienced sexual violence<sup>187</sup>, involuntary medical interventions<sup>188</sup>, and food deprivation.<sup>189</sup> The report concluded, that the data gathered by OHCHR shows that detention in the facilities ‘were marked by patterns of torture or other forms of cruel, inhuman, or degrading treatment or punishment, other violations of the right of persons deprived of their liberty to be treated humanely and with dignity, as well as violations of the right to health’.<sup>190</sup> The report also raised concerns about labour rights, freedom of belief and expression, and reproductive rights.

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<https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assesment.pdf>. Par. 51.

<sup>185</sup> United Nations Human Rights: Office of the High Commissioner. OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China. 31 August 2022. <https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assesment.pdf>. Par. 70.

<sup>186</sup> United Nations Human Rights: Office of the High Commissioner. OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China. 31 August 2022. <https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assesment.pdf>. Par. 71.

<sup>187</sup> United Nations Human Rights: Office of the High Commissioner. OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China. 31 August 2022. <https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assesment.pdf>. Par. 73.

<sup>188</sup> United Nations Human Rights: Office of the High Commissioner. OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China. 31 August 2022. <https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assesment.pdf>. Par. 72.

<sup>189</sup> United Nations Human Rights: Office of the High Commissioner. OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China. 31 August 2022. <https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assesment.pdf>. Par. 71.

<sup>190</sup> United Nations Human Rights: Office of the High Commissioner. OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China. 31 August 2022. <https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assesment.pdf>. Par. 78.



Finally, among other recommendations, the report urged the Chinese government to ‘cease immediately all intimidation and reprisals against Uyghur and other predominantly Muslim minorities abroad in connection with their advocacy, and their family members in XUAR’<sup>191</sup>, therefore directly recognising and addressing the issue.

In its official response to the report, the Chinese Mission in the UN denied all the allegations and referred to the report solely as a ‘so-called ‘assessment’, which is ‘based on the disinformation and lies fabricated by anti-China forces’.<sup>192</sup>

States from Western and Eastern European (the only exception among the sponsors of the draft resolution – the Marshall Islands from the ‘Asia-Pacific’ group) regional groups drafted a resolution, proposing to hold a debate on the situation in the Xinjiang Autonomous Region.<sup>193</sup> However, the resolution was not adopted.<sup>194</sup> The margin in the vote was slim: 17 States voted for resolutions, 11 abstained and 19 voted against.<sup>195</sup> However, the results of the vote are particular: 16 members of the OIC participated in the voting, and all of them, except four states, voted against the resolution.<sup>196</sup> The exceptions were Somalia, which was the only OIC member to vote in favour of the resolution, and three abstentions: Benin, Gambia, and

<sup>191</sup> United Nations Human Rights: Office of the High Commissioner. OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People’s Republic of China. 31 August 2022. <https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/22-08-31-final-assesment.pdf>. Par. 151 (x).

<sup>192</sup> Permanent Mission of the People’s Republic of China to the United Nations Office at Geneva and Other International Organizations in Switzerland. No. GJ/56/2022. 31 August 2022. [https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/ANNEX\\_A.pdf](https://www.ohchr.org/sites/default/files/documents/countries/2022-08-31/ANNEX_A.pdf).

<sup>193</sup> United Nations Human Rights Council (UNHCR). Debate on the situation of human rights in the Xinjiang Uyghur Autonomous Region, China: draft resolution. A/HRC/51/L.6. 28 September 2022.

<sup>194</sup> “Human Rights Council Adopts 21 Texts and Rejects One Draft Decision, Extends Mandates on Older Persons, Right to Development, Arbitrary Detention, Mercenaries, Slavery, Indigenous Peoples, Safe Drinking Water and Sanitation.” 2022. OHCHR. <https://www.ohchr.org/en/news/2022/10/human-rights-council-adopts-21-texts-and-rejects-one-draft-decision-extends-mandates>.

<sup>195</sup> “Human Rights Council Adopts 21 Texts and Rejects One Draft Decision, Extends Mandates on Older Persons, Right to Development, Arbitrary Detention, Mercenaries, Slavery, Indigenous Peoples, Safe Drinking Water and Sanitation.” 2022. OHCHR. <https://www.ohchr.org/en/news/2022/10/human-rights-council-adopts-21-texts-and-rejects-one-draft-decision-extends-mandates>.

<sup>196</sup> “Human Rights Council Adopts 21 Texts and Rejects One Draft Decision, Extends Mandates on Older Persons, Right to Development, Arbitrary Detention, Mercenaries, Slavery, Indigenous Peoples, Safe Drinking Water and Sanitation.” 2022. OHCHR. <https://www.ohchr.org/en/news/2022/10/human-rights-council-adopts-21-texts-and-rejects-one-draft-decision-extends-mandates>.

Malaysia.<sup>197</sup> Astonishing results, considering the fact that the report showed human rights violations specifically towards Muslim minorities. Notably, as I mentioned before, among the targeted ethnicities in the region are Kazakhs and Uzbeks. Nonetheless, Kazakhstan and Uzbekistan, voted against the resolution<sup>198</sup>, proposing merely to discuss the alleged abuses. This case showed the hypocrisy of the OIC state members. While raising concerns about Islamophobia in Western countries and making Israel a permanent item on the Council's agenda, when the violations occur in an aligning country, geopolitical and economic cooperation prevails. The OIC double standards in the context of this debate were condemned by numerous civil society organisations.<sup>199 200</sup>

The backlash from civil society after the Council's failure to address the situation cannot be overstated. 16 NGOs delivered a statement on the outcome of the 52nd session of the HRC, expressing their disappointment with the Council's failure to address the human rights abuses in the Xinjiang region: 'With a historic Urgent Action ruling by the CERD in November, countless Treaty Bodies recommendations, an OHCHR report, and three joint statements by over 40 Special Procedures experts, the UN system cannot be clearer: the crisis is severe, and so should be the Council's response to it.'<sup>201</sup> As Raphael Viana David, International Service for Human Rights Advocate stated, while in recent years the Human

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<sup>197</sup> "Human Rights Council Adopts 21 Texts and Rejects One Draft Decision, Extends Mandates on Older Persons, Right to Development, Arbitrary Detention, Mercenaries, Slavery, Indigenous Peoples, Safe Drinking Water and Sanitation." 2022. OHCHR. <https://www.ohchr.org/en/news/2022/10/human-rights-council-adopts-21-texts-and-rejects-one-draft-decision-extends-mandates>.

<sup>198</sup> "Human Rights Council Adopts 21 Texts and Rejects One Draft Decision, Extends Mandates on Older Persons, Right to Development, Arbitrary Detention, Mercenaries, Slavery, Indigenous Peoples, Safe Drinking Water and Sanitation." 2022. OHCHR. <https://www.ohchr.org/en/news/2022/10/human-rights-council-adopts-21-texts-and-rejects-one-draft-decision-extends-mandates>.

<sup>199</sup> Hosseiny, Salma E. 2023. "HRC52: Civil society presents key takeaways from Human Rights Council." International Service for Human Rights. <https://ishr.ch/latest-updates/hrc52-civil-society-presents-key-takeaways-from-human-rights-council/>.

<sup>200</sup> "UN Human Rights Council voted against debate on human rights violations in China's Xinjiang region." 2022. FIDH. <https://www.fidh.org/en/region/asia/china/china-human-rights-council-voted-against-a-debate-on-human-rights>.

<sup>201</sup> Hosseiny, Salma E. 2023. "HRC52: Civil society presents key takeaways from Human Rights Council." International Service for Human Rights. <https://ishr.ch/latest-updates/hrc52-civil-society-presents-key-takeaways-from-human-rights-council/>.

Rights Council finally was able to address international crimes in Ukraine (referring to Russian aggression) and systemic racism in the United States, China remains ‘untouchable’.<sup>202</sup> However, importantly, this was the first time the Human Rights Council tried to call out China directly.<sup>203</sup> Furthermore, the fact that the report was published despite the pressure from China and the resolution not passing in such a narrow vote gives ground for optimism.

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<sup>202</sup> “Despite States' failure, Uyghurs and rights groups won't give up efforts to hold China accountable at the UN.” 2022. International Service for Human Rights. <https://ishr.ch/latest-updates/despite-states-failure-uyghurs-and-rights-groups-wont-give-up-efforts-to-hold-china-accountable-at-the-un/>.

<sup>203</sup> Hoornick, Michiel. 2022. “The Human Rights Council's failure to protect Uyghurs in China—for now.” OpenGlobalRights. <https://www.openglobalrights.org/michiel-hoornick/Human-Rights-Council-failure-to-protect-Uyghurs-China/>.

## Conclusion

This paper examined three major cases involving arguably the most influential states within the UN system. These states have historically enjoyed a significant degree of impunity regarding their domestic human rights violations and international actions. However, recent developments have provided grounds for cautious optimism.

The assessment showed that the outcomes of each of the examined cases are a result of a combination of two factors: the presence of political interests of a particular group of states or lack thereof, and intense pressure from civil society. The latter, however, seems more important and hopeful. There is no doubt that without the work and activism of the NGOs, and human rights defenders in these countries such significant results would not be achieved.

This thesis has provided an in-depth analysis of three major cases involving influential states within the UN system. Despite the controversial nature of these situations and the criticism they faced from various stakeholders, they represent significant turning points in dealing with human rights violations. The direct addressing of the permanent members of the Security Council by the Human Rights Council marks a notable shift in international human rights accountability.

The Human Rights Council today lacks balance in the discussion. European states often adopted a strategy of abstention and neutral comments, avoiding direct confrontation with developing countries and major economic powers, such as Russia and China. Undoubtedly, this dynamic recently changed towards Russia, yet China maintains impunity. In contrast, developing countries, cooperating in strong alliances, such as the Organisation of Islamic Cooperation, the African Regional Group, and the 'Like-Minded' group, consistently pursue their agenda and strategy in an aggressive matter, managing to accumulate influence.

Undoubtedly, the voices from developing countries, or the 'Global South' must be heard. However, I am not certain that the non-democratic governments of some of these countries represent their voices. It seems, according to the assessment conducted in this paper,

that their primary concern is shielding themselves and their allies from accountability for human rights abuses. It is clear from the statements of some representatives of developing countries, that they view civil society not as the voices of their citizens, calling for compliance with internationally recognised human rights standards, but as opponents – political allies of the West.<sup>204</sup> That is why I find it a significant improvement, that in the analysed cases civil society played a crucial role in drawing the attention of the United Nations to human rights abuses and holding governments accountable for them.

International human rights often are criticised for their ‘Western’ approach, and the domination of the United States and European countries in setting the human rights agenda and standards to the world. It is hard to argue that international politics and human rights law should not be dominated by one or several powers. However, if the question is whether the world, dominated by powers such as China and Russia, aligning with the developing countries, will be better regarding human rights than the modern West-dominated one, the answer is no.<sup>205</sup> These countries consistently show disrespect for human rights domestically and abroad, and the situation worsens every year. Thus, the new wave of leadership from democratic countries in the Human Rights Council is necessary to establish the balance and make government accountability for human rights violations a consistent practice.

Moving forward, it is essential to continue supporting and empowering civil society organisations, activists, and human rights defenders. Their unwavering dedication and relentless work have been pivotal in achieving the progress witnessed in these cases. By recognising their efforts and amplifying their voices, the international community can foster a culture of accountability and promote human rights on a global scale.

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<sup>204</sup> Essam, Amr. 2016. “The Like Minded Group (LMG): Speaking truth to power.” Universal Rights Group. <https://www.universal-rights.org/blog/like-minded-group-lmg-speaking-truth-power/>.

<sup>205</sup> Forsythe, D.P., & McMahon, P.C. (2016). *American Exceptionalism Reconsidered: U.S. Foreign Policy, Human Rights, and World Order* (1st ed.). Routledge. <https://doi.org/10.4324/9781315665528> P. 124.

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