

Human Rights According To Whom?

A Study Of The European Union And The Peoples' Republic of China's Negotiations
Within The EU-China Human Rights Dialogues

Master of International Relations – 4th Semester

Aalborg University - Department of Politics and Society

Thesis Project - 28th of May 2025

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Abstract

This paper investigates the complex strategic relationship between the European Union (EU) and the People's Republic of China, henceforth referred to as China, through the EU-China Human Rights Dialogue, using nine press briefings from the European External Action Service and China's Ministry of Foreign Affairs. We approach the data from a social constructivist point of view in order to argue how the norms and values which are established during the Eu-China Human Rights Dialogues affect the negotiations between the EU and China. Our paper investigates how the EU and China negotiate during the EU-China Human Rights Dialogues, as we found two macro-level events which have been fostered through the EU-China Human Rights Dialogue. An abductive approach is applied in order to create the best possible explanation for how the EU and China negotiate the collaboration of these two events considering their distinct views on human rights. This approach is combined with theory building process tracing as a means of outlining the strategic relationship between the EU and China through micro-and macro-level elements. In this thesis, the micro-level element is the EU-China Human Rights Dialogue, whereas the macro-level elements are the remaining elements in the EU and China's strategic partnership. The analysis is conducted, using discourse analysis in which the data is assessed by the frames which are present in the press briefings. These discursive frames are then linked with the macro-level elements, and then two-level game theory is applied in order to discuss what these frames indicate about the strategic relationship between the EU and China as well as if there are any linkages between the EU-China Human Rights Dialogues and the other elements within their partnership. Additionally, two-level game theory is used to uncover in which areas further collaboration is possible between the EU and China, and if the negotiations between the different actors can be considered successful. Using this method, the paper finds that successful negotiations between the EU and China within human rights occur when economic aspects relate to human rights, such as in the event of "Fostering Women Entrepreneurship in the Technology and Digital Sectors." However, this finding contradicts those of scholars who have argued that the EU-China Human Rights Dialogues do not provide any tangible outcomes at the macro-level due to the EU prioritising its material interests over its values.

Tabel of Contents

Introduction	1
Methodology	6
Case study	7
Theory-building process tracing	8
Discourse analysis	9
Data Collection	10
Limitations	12
Theory	12
Two-level game theory	13
The EU's Trade Interests	16
The EU's Climate Interests	17
The EU's Interests within Research, Innovation and Technology	18
China's Trade Interests	18
China's Climate Interests	19
China's Interests within Research, Innovation and Technology	20
Comparison of the two actors' interests	21
Literature review	22
Conducting the analysis	24
<i>Level I: The HRDs</i>	26
<i>Level II: The International Context</i>	27
The 33 rd HRD	31
The 34 th HRD	36
<i>The 34th HRD - The Chinese perspective</i>	38
<i>Subconclusion</i>	43
The 35 th HRD	44
<i>Subconclusion</i>	47

The 36 th HRD.....	48
<i>Subconclusion</i>	53
The 37 th HRD.....	54
<i>Subconclusion</i>	58
The 38 th HRD.....	58
<i>Subconclusion</i>	61
The 39 th HRD.....	61
<i>The 39th HRD - The Chinese perspective</i>	63
<i>Subconclusion</i>	64
Discussion.....	65
Conclusion	72
References	74

Introduction

On the sixth of May 1975, the European Union (EU) and the People's Republic of China, henceforth referred to as China, established their diplomatic relations. During the past 50 years of their relationship, both actors have evolved greatly (EEAS, 2020). The EU, which had just two years prior welcomed Denmark, Ireland and the United Kingdom (UK) into its economic community, consisted in 1975 of nine member states (MS) from similar Western democracies. Additionally, the EU became the European Union and today consists of 27 diverse MS from all corners of the European continent (European Union, n.d.-a; European Union n.d.-b). In 1975, China was in its initial phases of opening up and had yet to undergo its economic transformation, whereas today, it is a rising power or a competitor state which economy keeps growing, having lifted approximately 800 million people out of poverty (EEAS, 2020; Taylor & Cheng, 2022; World Bank Group, 2024). Despite China's economic growth, it remains a developing country whose industrialisation merely took 70 years compared to the 200 years of Western countries (Gu, Humphrey & Messner, 2008; Wen, 2021). As China continuously refers to itself as a developing country, it will be referred to as such in this thesis (The Economist, 2025). Today, the EU and China's relationship is a strategic partnership in which the two actors daily trade with each other for approximately 1.8 billion euros and in which the fostering of cooperation occurs through more than 60 types of dialogues, fora and summits. Their cooperation covers multiple areas, including trade, climate change and technology (Orbetsova & Men, 2016; EEAS, 2020).

In 1995, 20 years into their partnership, the EU and China decided to include a separate EU-China Human Rights Dialogue (HRD) to their partnership, as both actors acknowledged the existence of a wide gap between their respective positions on human rights (Men, 2010). Additionally, they agreed that it would be more beneficial to sit down and discuss human rights, sharing their views and working together to find a better way of communication on the matter rather than allowing for conflicts and confrontations over human rights. As such, China became the first nation to have this kind of dialogue with the EU (Men, 2010). Moreover, Zhu (2011) argues that China views the country's respect for human rights as being intrinsically connected to its level of development, with economic development continuously preceding human rights. The first HRD took place in January of 1996 yet was interrupted by China, as 10 of the EU's MS had chosen to table a resolution which criticised China during the 1997 United Nations Commission on Human Rights (OHCHR). China decided to reopen the dialogue later that year

(Men, 2010). Moreover, Maher (2016) argues that the most intense, longest-running and most conflict-prone area within the EU-China relationship is that of human rights. Additionally, the dialogue has not delivered any tangible improvements regarding the human rights situation in China, and Baker (2002) argues that the Chinese diplomats have used the HRDs as a means of conveniently deterring the EU from criticising China's human rights record. However, he also noted that without the dialogue, the EU would have less impact on the human rights situation in China, as the HRDs are a vital channel for the EU to express their concerns as well as raise individual cases (Barker, 2002; Schabas, 2009). Scholars today argue that the relationship between the EU and China is continuously strained due a pervasive difference in values, with the HRD remaining the primary forum for this normative conflict (Men, 2011; Kaya, 2014; Taylor, 2021, 2022). In his study, Taylor (2022) found that HRD's shortcomings are most directly attributable to the combination of Chinese systematic obstruction of the organisation of the HRDs which creates a hostile environment for promoting human rights and the EU's ineffective diplomatic practices for promoting human rights. The EU employs the European External Action Service (EEAS) as its diplomatic service, and Taylor (2022, p. 376) found the EEAS has a mentality of *“China is not accepting the EU interpretation of human rights and it should be doing so.”* Additionally, the EEAS during the HRDs reasserts how the EU interprets values while continuously dismissing Chinese interpretations (Taylor, 2022). These practices counterproductively appear to directly fuel the obstruction by China. Hence, the EU plays a major role in facilitating the Chinese obstruction of the HRDs to the point where Taylor (2022) argues that the EU is acting in a manner of self-harm in regards to its discussions of human rights with China. Additionally, when observing poor outcomes in the dialogue, scholars tend to argue that the HRD's weakness is symptomatic of the EU prioritising its material interests with China rather than its values (Men, 2011; Kaya, 2014; Geeraerts, 2019; Taylor, 2021, 2022). However, Kaya (2014) suggests that the EU's value-based approach in international relations (IR) is closely connected to itself-expressed identity as a champion of human rights which likely would make an analytical demarcation of interests versus values very messy in practice. Yet, despite this, she found that the EU has employed a hesitant and somewhat inconsistent approach to China in regards to its value-based approach. Additionally, Kaya (2014) argues that the EU considers human rights and economic development as being interconnected endeavours which are not to be sequenced, highly suggesting that economic developments precede the pursuit of human rights. Scholars, such as Barker (2002), Schabas (2009), Kaya (2014) and Geeraerts (2019), argue that the EU and China struggle with their collaboration in regards to human rights, and that no outcome has come from the HRDs.

However, the HRDs from 2014 to 2024 illustrate a clear collaboration on the protection and promotion of women's rights through events, such as *“Fostering Women Entrepreneurship in the Technology and Digital Sectors”* (EEAS, 2023, para. 6). Hence, it deviates from the findings of the aforementioned scholars and further illustrates the complexity of the EU-China relationship. As such, this thesis investigates how the EU and China despite their well-documented difference, particularly in the area of human rights, negotiate within the HRDs. It aims to uncover which elements of the HRD's negotiations are successful and which are not as well as provide insights into the complex dynamics of the EU and China's continued negotiations over human rights. The word successful is understood, as the two actors are able to collaborate on matters within the HRDs and produce macro-level outcomes, such as the event *“Fostering Women Entrepreneurship in the Technology and Digital Sectors”* (EEAS, 2023, para. 6). As such, this thesis will answer the research question:

How do the EU and China negotiate within the EU-China Human Rights Dialogues?

The research question will be investigated through the following two sub-questions:

- 1. Which interests and values affect the negotiations between the EU and China in their human rights dialogue?*
- 2. Using the two-level game theory, in which areas are the EU and China's negotiations in their human rights dialogue successful?*

The Universal Declaration of Human Rights (UDHR) was proposed in 1946 at the United Nations (UN) General Assembly as a response to the horrors of World War II and the desire to ensure its atrocities would never happen again. The UDHR was adopted on the 10th of December 1948 where it was unanimously accepted by all MS, with only eight MS abstaining from the vote (United Nations, n.d.-a, n.d.-b, n.d.-c.). The UDHR symbolises this century's vision of the fundamental consensus on human rights as well as broadly defines said rights (Bunch, 1990; Bunch & Frost, 2000). The UDHR includes 30 Articles of rights entitled to every human, as illustrated by Article 2: *“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”* (United Nations, n.d.-c, para. 17). Due to the previously stated success of the EU and China in regards to collaborating on events, focussing on women's rights, it is therefore

important to acknowledge that the rights of women are considered as “*an inalienable, integral and indivisible part of universal human rights*” (Bunch & Frost, 2000, p. 5).

The protection of human rights is deeply ingrained in the EU's identity and is considered to be one of its aims (European Union, n.d.-c). Wiessala (2010) argues that documents, like the Lisbon Treaty and the Charter of Fundamental Rights, demonstrate the importance which is placed upon human rights in the EU's internal and external relations. Additionally, the Lisbon Treaty constitutionally decrees that the EU must incorporate its values into all of its relations with third countries which are defined by the EU as any country not in the EU nor enjoying the right to free movement (European Union, 2010; European Commission, n.d.-a). Due to this incorporated focus on human rights, Manners (2002) argues that the EU can be considered a normative power, referred to as normative power Europe (NPE), as by exporting its values, such as human rights, rule of law and democracy, the EU shapes the international system. The values of the EU as well as its ideational power reflected the EU's most defining and potent feature within the post-Cold War period rather than its military or economic features. Manners (2002) suggests that this capacity is derived from the combination of the normative fabric of the EU as an actor and a synthesis between the EU's values and the universal values of the UN Charter. Moreover, the assumption of NPE needing a willingness to use force in an instrumental manner along with the accompanying instrumentality is rejected by Manners (2002), who instead argues that NPE's main component is that it was created is to be different from the pre-existing political entities, pre-disposing it to behave in a normative manner. Additionally, the EU has gone further in incorporating its values into its external relations than most international actors. Additionally, Burnay, Hivonnet and Raube (2016) suggests that human rights are indivisible from the rest of the EU's values. According to Manners (2008), the EU has become a self-proclaimed champion of human rights by employing international efforts to realise human rights. Hence, in a postmodern perspective the EU can be classified as a normative hegemon within the field of soft power.

During the 50 years of its relationship with the EU, China has become a competitor state which has impacted the dynamics of its relationship with the EU (Wong, 2013). Competitor states are generally seen as nascently supporting the existing status quo or challenging it (Miles, 2013). This dichotomy is clearly present in how two of the main IR theories, realism from which China mainly works and liberalism from which the EU does, view the relationship and cooperation between the EU and China in light of China's status as a rising power (Manners,

2002; Mearsheimer, 2014). Realism suggests that the hegemon – or the NPE in this case – will view the rise of a new competitor as a threat, as it will challenge the current status quo of the world order. Hence, tensions and conflict with the hegemon will increase (Jackson et al., 2019). Herz (1950) argues that the international system has an inherent anarchic nature in which there is no central authority, guaranteeing security or enforcing rules. As states rely on self-help measures, it results in a security dilemma in which the competitor state's capabilities are increased, causing the hegemon to become less secure and respond with countermeasures. Negotiations between the hegemon and the competitor state are likely to be undermined due to this dynamic where their mutual distrust tends to overshadow their cooperation. Moreover, negotiations between the rising power and the hegemon are seen as being influenced by each side's relative bargaining power and likely to break down in cases where the competitor state becomes too strong or begins to challenge the international order's status quo. Hence, negotiations, within a realist view, illustrate a power struggle rather than a tool towards long-term peace unless the negotiations aim to preserve the current power balance (Herz, 1950). On the other hand, liberalism argues that the emergence of competitor states occurs within and not without the capitalist world order. Hence, the competitor states are the byproduct of the system. Their emergence demonstrates the world order's resiliency and accommodativeness towards the competitor state (Dunne, 2020). The likelihood of conflict is reduced by the economic interdependence, as the way in which states are tied through economic, social and environmental channels makes the cost of conflict very high. Cooperation can therefore be fostered by mutual economic ties, resulting in negotiations being more attractive than conflict (Keohane & Nye, 1977). Hence, both realism and liberalism offer different perspectives on how the EU and China's collaboration and negotiations within the HRDs are likely to occur and the degree of said negotiations' successfulness.

The following methodology will cover the philosophical worldview of this thesis, the methodological approach and the limitations of this thesis. The theory will touch upon the international negotiation theories of two-level game theory. The analytical segment of the thesis will examine the HRDs, with a particular focus on its negotiation, in order to discover how the two actors negotiate within the HRDs. The discussion will go into which elements of their negotiation works and which does not as well as offer explanations as to why. Finally, the conclusion will summarise the findings of this thesis as well as mention areas in the scholarly literature which require further research.

Methodology

It is critical for us to understand how our research paradigm influences how we approach our research question. The research paradigm encapsulates the philosophical foundations behind this thesis which indirectly guides our actions as researchers (Cresswell & Cresswell, 2018). The paradigm depicts how researchers understand reality, referred to as ontology, and how knowledge is created, referred to as epistemology (Pretorius, 2024). For this thesis, the ontological consideration is based on social constructivism. By viewing reality, from a social constructivist perspective, it means that we see reality as something that is shaped through social interactions and processes (Pretorius, 2024). Therefore, reality *"is understood as inherently shaped by social contexts, historical moments and collective practices, which constantly evolve as social values and belief shifts"* (Pretorius, 2024, p. 2704). Moreover, seeing reality as socially constructed means that we also view knowledge as being socially constructed. Through this lens, knowledge is not just objective facts but rather is constructed through the historical context, cultural norms, language and discourse (Pretorius, 2024). Where social constructivism becomes critical for our thesis is in the importance it places on understanding *"collective meaning-making and the role of society in shaping knowledge"* (Pretorius, 2024, p. 2705). Hence, there is an emphasis on understanding how social factors come together to develop distinct but shared realities across different communities. This aspect of social constructivism is crucial for our thesis, as we are investigating how the EU and China negotiate within the HRDs despite their differing views on human rights. Adler (1997) states that negotiations are crucial for the shared identity or social interactions which makes it possible for the different actors to collaborate. Considering that negotiations are crucial to the diplomatic and political processes that occur within IR, negotiations can therefore be considered as part of that social process (Adler, 1997). As such, this thesis will consider any action that occurs through the negotiations between the two actors as a social process, and any events or agreement that comes out of the negotiations as an outcome of the social process. The choice to use social constructivism is also influenced by the fact that the actions of the EU have historically been guided by liberalism, whereas China has been guided by realism (Manners, 2002; Mearsheimer, 2014). In order to investigate how both actors negotiate, it is critical to take a more objective stance, which social constructivism helps us achieve, as we regard both actors' perspectives on human rights as having been shaped by their unique history and culture. Therefore, to us, there is not a correct way to view human rights or sovereignty. However, it is important to note how the researchers' own experiences and beliefs may colour their research

which is why it is vital to acknowledge and leave it at the door, so to speak. Hence, we would like to acknowledge that we are two White Northern European women. As such, we are aware that this thesis could end up furthering an implicit Western notion of how human rights, values and sovereignty are viewed in the West. Additionally, while we aim to be objective, most of the scholarly literature we have employed for this thesis is from Western scholars which if not recognised could also further this implicit notion of Western interpretation as the only correct understanding. To circumvent these issues, the description of norms and identity related to our actors are based upon empirical research from each actor. Hence our descriptions of norms and values are only reliant upon how each actor depicts it.

Moreover, to ensure that we minimise the chance of any bias, our data will be continuously evaluated through our choice of theories. As such, this thesis will employ abductive reasoning in its approach to the problem formulation. Abductive reasoning involves creating the likeliest possible explanation from incomplete sets of data to explain a certain phenomenon (Thornberg, 2022). This reasoning is used when a certain phenomenon cannot be explained by existing knowledge or theories, which is why it works for our study, as we believe there to be a lack of knowledge on how China and the EU negotiate within the HRDs. With an abductive approach, there is an ongoing back and forth process between the data and theory, as the approach works backwards to discover an explanation for the phenomenon (Thornberg, 2022). In order to conduct this process properly, it means to collect an expansive set of observations as a means of producing a possible explanation (Earl Rinehardt, 2021). To achieve this, this study will rely on the method of case studies to both understand the phenomenon we are dealing with but also as a means of collecting data.

Case study

Case studies are a method which has been proven to work well with abductive reasoning, as it allows the researchers to start from a puzzling observation and work their way backwards to possible explanations for it (Johansson, 2007). In order to find a possible explanation, we will utilise qualitative research methods, as they support research where the emphasis is on understanding the world through experiences, behaviour and perceptions (Cresswell & Cresswell, 2018). To aid in our research, we will be applying the qualitative single case study method. Case studies are one of the key methods within political science, as it focuses on studying a phenomenon in its most natural context or “*in a real life setting*” (Martinsuo & Huemann, 2021, p. 417). By studying a phenomenon in its natural context, the complex nature

behind the phenomenon can be analysed, therefore allowing for new considerations for explaining the phenomenon. For this thesis, the phenomenon is how the EU and China have been able to negotiate on human rights considering their different views on human rights. The strengths of conducting a case study are reliant upon the deep contextual insights that it can give to a phenomenon which is quite complex or detailed. This is particularly important to our case, as we are trying to understand the relationship between a supranational organisation with a complex infrastructure and multiple MS; and a country with its own particular political system (Manners, 2002; Mearsheimer, 2014; Coman, Crespy & Schmidt, 2020). Therefore, case studies are ideal, as it allows us to capture the particularities of the phenomenon and the complex context behind the phenomenon. This deep insight also helps in creating a possible explanation or hypothesis, as the researcher is able to craft something from an intense study. However, due to the deep insights, it also is more difficult to generalise our findings from it. However, Flyvbjerg (2006) has argued that a single case study can allow for generalisations to be made but it depends on the case. As it is not the goal of the study, it does not weaken the use of the single case study method. In our case, our purpose is not to generalise the relationship between the EU and China. Instead, this thesis wants to provide an insight into how their relationship works even though it has been difficult in the past (Geeraerts, 2016). The research design behind case studies is first distinguished by the number of cases: one to a few cases (small-n) or many cases (large-n) (Seha & Müller-Rommel, 2016). This thesis can be considered a small-n study, as it only focuses on one case: the HRDs. By conducting small-n case study, there are more variables to consider when investigating the phenomenon, as the case has nothing to be compared to. Due to the larger number of variables, a strategy is needed to define how we approach researching the phenomenon which, for this thesis which will be an explanatory approach. An explanatory approach is used when the researcher desires a deeper understanding of a case while having an external position to the research object, meaning that the researcher is not involved with or connected to the research objectives (Martinsuo & Huemann, 2021). It is also used when wanting to understand the relation between the causes and effects of a phenomenon in which casual process tracking (CPT) will be used as a strategy for our research design.

Theory-building process tracing

CPT focuses on establishing how certain causes contribute to producing certain outcomes or effects (Beach, 2020). For our thesis, we found the events, which stem from the HRDs, as an

outcome of China and EU's successful negotiations. However, as many scholars depict the HRDs as unproductive, it makes it interesting to research how these events were possible (Baker, 2002, Geeraerts, 2016, 2019). To understand this, we will utilise theory-building process tracing, as we are trying to produce explanations for the negotiations we see happen between the EU and China in the HRDs. This form of process tracing is often utilised when the causal mechanism between a cause and an outcome is unknown but we know there is a relationship. We know that collaboration within the HRDs is important to both parties, as despite backlash from nongovernmental organisations (NGOs), the HRDs are still held almost yearly (Human Rights Watch, 2023, 2024, 2025). We are therefore trying to understand how their negotiations can lead to collaborations. Hence, we are interested in understanding what causal mechanism allowed for this to happen. Beach and Andersson argues that: *“process tracing is particularly well suited to studying social processes because it allows the researcher to follow the causal chain in detail, examining the sequences and interactions through which social mechanisms operate and produce outcomes”* (Beach & Andersson, 2019, p. 5). For this kind of process tracing, the initial causal mechanism will be found by analysing framing and ideological critique in order to understand why the actors are behaving in a certain manner (Beach and Pedersen, 2019). The causal mechanisms will be found through conducting a discourse analysis on the main dataset which is the press briefings from the HRDs. (EEAS, 2014, 2015a, 2017, 2018, 2019, 2023a, 2024, Ministry of Foreign Affairs The People's Republic of China, 2015, 2024). These discursive causal mechanisms are then linked with the macro-level elements of the EU and China's strategic relationship which was created through an initial exploratory search on the strategic relationship (Appendix C). These initial causal mechanisms established through this process are then assessed by our theory in order to establish whether the causal mechanism holds any validity for constructing an explanation for how the negotiations behind the events occur.

Discourse analysis

Discourse analysis is a means to analyse language of all of its forms within social contexts and is both a methodological approach and as a theoretical concept. As the latter, discourse analysis sees language as a constitutive element of social realities, particularly emphasising ideological and power relations (Jørgensen & Phillips, 2002). As the former, discourse analysis applies numerous analytical steps, including context, framing and structure analysis, as a means to unravel power structures, ideological embeddings as well as hidden patterns in linguistic

utterances (Van Dijk, 1993; Jørgensen & Phillips, 2002). This thesis will be applying the methodology approach of Van Dijk's (2008) discourse analysis rather than the theoretical concept of it due to the aim being to unravel ideological embeddings, power structures as well as hidden patterns within the press briefings of the HRDs. As a methodological approach, the discourse analysis sees discourse as consisting of intricate linguistic practices, both reflecting and shaping power relations (Van Dijk, 1993). It is grounded in social constructivism, resulting in discourse being seen as actively constructing realities where numerous groups contend for power. By highlighting how reality is a social construct and the impact which it has on both values and norms, the approach investigates how linguistic utterances mirror as well as actively mould society (Van Dijk, 2008). Imbued with ideology and power, discourse functions as a means to establish and uphold societal norms, especially for those in power. This perspective illustrates the ideologies' conveyance through language, providing insights into the legitimization of power structures and the embedding of worldviews (Van Dijk, 1993). More specifically, Van Dijk (2008) employs five different steps in his discourse analysis, including an ideological critique, structure, context, frame as well as a micro-and macro-level analysis. However, as this thesis will be applying the context analysis, the frame analysis and the ideological critique, those three steps are the only one to be described. The context analysis delves into the cultural, political and social context of the discourse in order to fully comprehend its meaning (Van Dijk, 1993; Van Dijk, 2008). The ideological critique examines the embedded ideologies in the discourse and their influence on social hierarchies. Lastly, the frame analysis emphasises the importance of the discourse's frames and how they are presented as well as delves into the interpretation of events (Van Dijk, 2008). Each aspect of the analysis looks at the other parts of it and aims to answer different questions (See Appendix B). While each analysis type does have numerous questions to it, Van Dijk (2008) states that not every question needs to be answered nor included in the analysis to ensure its validity. By combining the different analysis types, the approach endeavours to uncover the hidden power structures, ideologies and patterns within the linguistic utterances. This thesis will be applying a contextual analysis and a framing analysis as well as the ideological critique from the discourse analysis in order to analyse our data collection.

Data Collection

Our initial data search began with just common Google searches, centred on figuring out the human rights debate between the EU and China. It was through this initial search that we

discovered the HRDs (EEAS, 2023a). We were only able to find press briefings for seven different HDRs, spanning over 10 years. As such, we decided to limit our data collection from 2014 to 2024 (EEAS, 2014, 2015a, 2017, 2018, 2019, 2023a, 2024; Ministry of Foreign Affairs The People's Republic of China, 2015, 2024). There are nine press briefings in total, with seven having published by the EEAS and two by China's Ministry of Foreign Affairs (MoFA). These press briefings were published by the EEAS press team, which is the EU's diplomatic service and key organisers behind the HRDs (EEAS, n.d.). The delegates which participate in the HRDs from China side always include a person from the MoFA, therefore, the Chinese press briefings stem directly from the organisers and participants of the HRDs. The press briefings are the most transparent and direct line of communication we are able to access in order to understand what happens during the HRDs. However, we are aware that most of the press briefings were published by the EU which means they are likely coloured by EU's norms and values. Therefore, it is important to clarify that despite China's view of the HRDs being outnumbered, we still view each side as equally important. In addition to our main dataset, we will rely heavily on scholarly literature to provide context to our findings in the HRDs. Our data search for academic literature was grounded in academic journals that preferably were peer-reviewed. Additionally, for knowledge regarding the actors that could not be found in academic journals, particularly for the EU, we went directly to source, finding information about its values, aims and interests on the EU's official homepage. Due to using these homepages as sources, many of them were without a specific publishing date which makes it hard to identify if these values, aims and interests are still the current of the EU. It also has resulted in many of our citations to the bodies of the EU, having no specified date in the citation. We have tried to order these citations by adding an alphabetic numeration to the citation, such as the European Commission (n.d.-a, n.d.b) for the sake of clarity as well as transparency. However, we are aware that information from the EU's own web pages might illustrate an idealistic view of the EU rather than a critical perspective based on facts. As such, the academic journals, focusing on the EU, provided a more nuanced perspective to the EU interaction with China.

Through the HDRs, we became aware of the collaborative events hosted by the EU and China (EEAS 2023a, 2025). Once we had established that these would be the events our thesis would focus on, we had the outcome we were going to be investigating. We then utilised process tracing to create an extensive overview over the past 10 years of all of the “micro” and “macro” cooperation between the EU and China (See Appendix A). For this thesis, “micro”

cooperation will describe any cooperation regarding HDRs, whereas “macro” cooperation describes general strategic cooperation and partnership between the EU and China. Throughout the thesis, the cooperation on the two levels will be described as elements under each HDRs, which are referenced individually with more information available on the cooperation in an overview (See Appendix C). Both appendices will contain a reference list at the bottom for the references used in said appendix.

Limitations

We are aware that we have a limited dataset from the HDRs, however, as we combine the findings with the overview that we have created of the strategic partnership, it allows us to make conclusions on the negotiations between the EU and China (Appendix C). Additionally, we are aware that our knowledge of the HDRs is based on the press briefings, which can be argued to be data from a secondary source, as they are written by the EEAS press office rather than the actual EEAS delegates. The press briefings are also very succinct in their details on the nature of the negotiations, which occur during the HDRs, making it difficult to get the full picture of the HDR, especially in regards to China, as EEAS provides little to no information regarding their Chinese counterparts. We try to counterbalance this by using the press briefings provided by China's MoFA and several academic scholars. We decided to not use newspapers to provide further information on the negotiations in the HDRs due to the newspapers having their own interests which could result in implicit bias. However, we still believe that we capture the essence of China's concerns and frustrations during the HDRs based on our data and scholarly articles.

Theory

This thesis focuses on how the EU and China negotiate within the HDRs despite their differences. In order to do that we need to understand how the two actors negotiate. However, the negotiations that take place within the HDRs cannot be considered “traditional”, as traditional negotiations rely on different parties coming together to make an agreement (O'Neill, 2018). However, the idea behind the HDRs is not to come to a literal agreement within a specific area but rather to have a space to share each other's world views as well as to open up for the possibility of further understanding between the parties (Men, 2010). Therefore, this thesis will utilise the deliberate negotiations theory as a framework to understand the intentions behind the HDRs and the negotiations that occur within the HDRs. Deliberate

negotiations are defined as “*A process of mutual argumentation that aims at reaching a reasoned consensus [...] in which actors are committed to the force of the better argument*” (Deitelhoff & Müller, 2005, 168). Deliberative negotiations theory has its roots in communicative action studies, which were first created by Jürgen Habermas. The key principle in communicative action theory is that mutual agreements can be reached through the exchange of arguments. Deitelhoff and Müller (2005, p. 168) state that communicative action is “*an interaction in which actors attempt to coordinate actions by reaching agreement on the definition of the situation and the norms to be applied to it.*” Therefore, the end goal of the communicative action is to reach agreements that incentivise open dialogue about each actor's reasons and viewpoints. Said agreements have to be mutually acceptable and focused on making legitimate outcomes (Deitelhoff & Müller, 2005). This is critical for the HRDs, as they essentially act as forums for each of the actors to voice their opinions and create a shared understanding amongst them which can lead to further collaboration (Taylor, 2022). Deliberate negotiations theory guides our research through understanding what kind of negotiations take place within the HRDs, as they are a part of a larger deliberate strategic process within the EU and China's strategic relationship. Additionally, Deitelhoff and Müller (2005) state that deliberate negotiations can be seen as political practices in which broader political goals are reflected. Therefore, negotiations are embedded within a larger political context that reflects the interest, identities and power dynamics with each actor (Deitelhoff & Müller, 2005). To understand the larger political context between our two actors, another theory is needed to get a more comprehensive understanding of the strategic cooperation between the EU and China which is why two-level game theory also will be utilised.

Two-level game theory

Two-level game theory was coined by Robert D. Putnam in his book *Diplomacy and Domestic Politics: The Logic of Two-Level Games*. The problem fuelling the theory was that at the time there were no theories that explained how domestic politics and IR influenced each other even though it was a known fact that they did (Putnam, 1988). To understand the interplay between the two, Putnam (1988, p. 434) offered a two-level theoretical approach, splitting international negotiations into “*a two-level game*” where level I was the national level, and level II the international level. Putnam (1988) states that when international negotiations take place, two games are played out at the same time:

“At the national level, domestic groups pursue their interests by pressuring the government to adopt favorable policies, and politicians seek power by constructing coalitions among those groups. At the international level, national governments seek to maximize their own ability to satisfy domestic pressures, while minimizing the adverse consequences of foreign developments” (Putnam, 1988, p. 434).

Essentially, in level I, a tentative agreement between negotiators is made, and in level II, the conditions of the agreement are discussed with the impacted parties in order to learn if any ratifications are necessary. Both games are essential to the process of the negotiations, as the decisions made during the negotiation have to take both levels into account in order to be successful. Decisions that might seem rational at one level could receive backlash at the other level. Putnam (1988) uses an imaginary case of the United States of America (US) being in negotiations with other countries who want it to raise its energy prices to meet environmental goals. However, this decision would meet resistance on a national level, as it would affect low-income households. In cases where agreement on an objective seems impossible, it becomes crucial for players to make moves in one game that will cause realignment in the other. A key component to a successful international negotiation is the idea of “*win-set*” (Putnam, 1998, p. 437). A win-set is a set of possible agreements made in one level that would help gain the sufficient domestic ratification among constituents at level II (Putnam, 1998). Each actor on each level has their own win-sets, and the more these win-sets overlap the easier it is to come to an agreement to pass through both levels. Therefore, if there is a small number of win-sets in one level or the win-sets do not overlap, then reaching an agreement becomes more difficult (Putnam, 1998). It is crucial for actors on level I to understand the boundaries of the win-set of actors on level II, as any agreement on level I that goes against the level II win-set will most likely not be ratified on level II (Putnam, 1998). Win-sets are determined by the values and interests of each actor. Hence, a win-set can also be seen as the intersection between what is acceptable to the constituents based upon their interest and values as well as what is possible at the negotiation table. Putnam (1988) states that there are three areas which determine the size of a win-set. The first is the preferences and coalitions among level II constituents, whereas the second is the political institutions on level II. The last is the level I actors' negotiations strategy (Putnam, 1998). However, negotiations are not completely ruined if the win-sets between actors on the different levels do not align completely. For Putnam (1988), it is more important to find common ground between the actors than to completely agree on everything which is why he judges the success of a win-sets due to the overlap between level I and level

II. Moreover, there are mechanisms that actors can employ to find that common ground, such as mutual compromise, creative trade-offs and symbolic agreement (Putnam, 1998). For this thesis, we will base the win-sets on each level upon the norms and interest of the different actors in regards to China and the EU's negotiations within the HRDs, which we will discuss in the following discussion of interest and the contextual analysis.

The two-level game theory will act as a framework to understand the international negotiations between China and the EU, as it allows us both to analyse the EU and China's negotiations within the HRDs. Additionally, it considers how agreements or disagreements discussed within the HRDs are received outside of it either through their macro-level cooperation or in the media. It allows for a more overall understanding how negotiations between the two parties are going, and what might be impacted by the success or failure of the negotiations.

Two-level game theory can, furthermore, work together with the theory of deliberate negotiations, as it can be seen more as a strategic approach which can be applied within the two-level game theory. Like the deliberate action theory, the theory will also be used in a non-traditional manner. As described earlier, the two-level game theory depicts a scenario in which groups or politicians are trying to get favourable policies passed or perhaps create a coalition. However, this is not the case with the HRDs. Essentially, the game that we are interested in understanding is the diplomatic game between two actors with distinct views on human rights and sovereignty (Men, 2011). For this game of diplomacy, there are several balancing acts. The first is depicted on the national level which, for our thesis, represents the HRDs where the two actors are trying to come to a mutual understanding of differences to deepen the diplomatic ties. The second balancing act occurs between the public and the government, as the public holds a level of power over how the relationship between the actors is viewed and respected. Therefore, we have created the table below to illustrate which actors are important to consider for the analysis.

Actors	
The EU	China
National level	National level
<ul style="list-style-type: none"> - Diplomats - MS 	<ul style="list-style-type: none"> - Diplomats - The government
International level	International level
<ul style="list-style-type: none"> - NGOs - Media - The European public - Interest groups - MS, their respective governments and opposition parties 	<ul style="list-style-type: none"> - Chinese public - Media - NGOs - Interest groups

Table 1: The actors involved in level I and in level II for the EU and China.

At the national level (HRDs), the most important actors are the diplomats from the EU and China, who represent the interests of each actor. Therefore, there has to be some agreement between the diplomats and the governing body of each actor. On the international level, there are several more actors to be aware of. Even though there are no formal agreements taking place within the HRDs, it still acts as a representation of the diplomatic relationship between the EU and China (Taylor, 2022). Therefore, the public has some influence on the ongoing nature of the HRDs which has been visible, as 10 different NGOs called to suspend the HRD in 2019 due to the human rights violations in the Xinjiang region in China (Amnesty International, 2019). During the 38th HRD in 2023, the EU expressed grave concerns over this issue (EEAS, 2023a). However, it is hard to say for sure if the EU explicitly mentioned these concerns due to the NGOs but it does showcase an overlap between the interests of actors on the national level and the international level. The interests of the two actors in regards to the areas of trade, climate change and that of technology, innovation and research are described in the following segments as well as a comparison between the two, illustrating the areas in which their interests align and in which they are likely to push each other.

The EU's Trade Interests

The EU is a large player in global trade. It is not only the largest trading bloc in the world but also one of the largest economies (European Commission, n.d.-b). Due to this position, the trade policy with which the EU chooses to lead itself has a significant influence on its

negotiations with other countries. One of the core principles of the EU is free trade among its MS, which has been one of its founding principles (European Union, n.d.). The MS enjoy tariff reductions which makes it easier for them to export and import among themselves. The EU is also interested in trade outside its borders, as international trade makes up 22.4% of its GDP (Eurostat, 2024). This number has doubled since 1999, and one of the EU's core interests is, therefore, to negotiate trade agreements with other countries and regional groupings. These trade agreements support European businesses in gaining access to foreign markets, and in turn more countries to do business with the EU (European Commission, n.d.-b). The EU also fosters a close relationship with the World Trade Organisation (WTO) to ensure that the international trading system is kept “*fair, predictable and based on common rules*” (European Commission, n.d.-c). Alongside fair treatment in the trading system, the EU also focuses on helping to bring developing countries into the WTO and reinforcing sustainable trade policies (European Commission, n.d.-c). Keeping the trading system fair and just is a key priority, and the EU also uses trade defence measures to ensure it. These measures are mainly anti-dumping, countervailing and safeguarding instruments (European Commission, n.d.-d). Anti-dumping occurs when a non-EU company tries to export a product to the EU below the normal value of the product. Countervailing describes how the EU can counter if subsidies are made by a government or a public body which will give somebody a benefit (European Commission, n.d.-e). This could be seen in regard to the anti-subsidy probe imposed upon battery electric vehicles (BEV) imported from China which occurred in 2023 (Grieger, 2023). This resulted in an investigation which showed that the value chain behind BEVs benefitted from the unequal subsidisation. Hence, it affected producers of BEVs in the EU (European Commission, 2024). Lastly, safeguards are utilised if an industry needs some room to breathe, such as if more imports are needed in a certain industry but the industry does not have the export to match it (European Commission, n.d.-f). These are all essential tools for the EU to ensure that the global trading system remains a free and just system.

The EU's Climate Interests

The fight against climate change has become one of the EU's biggest interests within the last decade. The MS are legally committed to fighting climate change, as all of them have signed the Paris Agreement and later the European Green Deal (European Council, n.d.-a). The Paris Agreement is one of the cornerstones for combating climate change, as 196 actors signed the agreement, making it the first of its kind (United Nations Climate Change, n.d.). The EU's

biggest goal within climate change is to become climate neutral by 2050, which means that it wants to reduce carbon emissions from fossil fuels to a point where the Earth can still absorb it. As of this moment, the carbon emissions are currently too high for the Earth to absorb naturally, which is the main cause behind climate change (European Council, n.d.-a). To reach this goal, the EU are focusing their attention on boosting renewable energy production and sources, improving energy efficiency and increasing carbon removals, such as trees. Moreover, there is also a financial focus on supporting companies and people in shifting to a greener economy, this is visible through initiatives, such as the European Green Deal, which was a strategy for EU members to follow in order to guide them towards a better green transition (European commission, n.d.-g).

The EU's Interests within Research, Innovation and Technology

In the current decade, technology and innovation is linked to the future competitiveness and sovereignty of countries and regions (European Commission, n.d.-h). Currently, the EU is seen as being behind in innovation and technology compared to its competitors, China and the US. Therefore, the EU has recently made new ambitions toward increasing its competitiveness and highlighting that its competitiveness within this area is more important than sovereignty (Grieger, 2023). According to the European Parliament (EP), prioritising a competitive stance will lead to enhancement in the EU's sovereignty within the field. The biggest hurdle to overcome is structural barriers which have held the EU back from being in the front for technology and innovation. These structural barriers have appeared due to the EU's struggle to unite agendas regarding technology and innovation. Moreover, the lack of funds within the sector and the lack of ambition from its MS in the area have led to these structural barriers (Stocktaking EU, 2025). To overcome these barriers, there is a fundamental need for more funds, however, Think Tank Europe (2025) believes that investment can only take the EU so far. Instead, the EU is planning to increase the digital infrastructure to overcome these issues. Artificial intelligence (AI) and data sourcing are crucial aspects of the digital infrastructure that the EU wants to implement and become stronger in. AI will help foster innovation and ensure high-quality data can increase their competitiveness (Stocktaking EU, 2025).

China's Trade Interests

China's trade ambition is hugely influenced by its growing position as a great economic power both in Asia and worldwide, as it wants to expand its global influence (Mathews, 2019). This

is visible both through the Belt and Road Initiative (BRI) and the Free Trade Agreement (FTA), which they offer to other countries. The FTA focuses on reducing the traffic between two countries which allows for greater market access, therefore contributing to an increase in economic cooperation (Wang et al., 2023). These two aspects portray China's ambition in having a larger global trade influence, as the BRI is a part of building a giant trade network, spanning several countries which could turn China into a new centre of global commerce, and the FTA helps to create new trade relationship with developing countries (Mathews, 2019; Wang et al., 2023). These initiatives are also part of a larger plan to reduce China's dependence on foreign trade and gain access to critical material, which countries in Africa and South America possess (Mathews, 2019). These two continents are one of the key areas of China's future trade relations. This has been visible through the FTA, as most of the agreements are among Asian and Latin American countries (Wang et al., 2023). There has also been a shift in what kind of trade China partakes in, as it is shifting towards high-value goods, such as semiconductors, electric vehicles, batteries and telecommunication equipment (Wang et al., 2023). This can be seen as an effort to counterbalance the trade regime, as the rules and institutions that regulate global trade are all based in the West. This is visible through the creation of the Asian Infrastructure Investment Bank and the BRICS New Development Bank, which helps to provide funding for projects. (Mathews, 2019).

China's Climate Interests

China is the largest greenhouse gas emitter and the largest developer of low-carbon energy technologies (Liu et al., 2023). Compared to the EU's carbon neutrality goal in 2050, China has the same goal but instead has it set for 2060. It also has a goal for 2030 in regards to peak carbon emissions. Additionally, China has signed the Paris Agreement and was also one of the first countries to ratify it (Liu et al., 2023). It also established a “south-south cooperation fund”, which allows China to help out developing countries so that they can reach their climate goals. Even though China considers itself a developing nation, it has not requested any funding for its initiatives to combat climate change. A large part of the Chinese climate project is visible through the BRI, as it has been a focus of the Chinese president Xi Jinping to make the BRI more climate-friendly after discussions surrounding the project's impact on the environment (Chiu, 2022). In 2022, the CCP introduced "BRI reforms", which include energy-friendly projects, such as wind farms and solar farms. Moreover, there have also been discussions on more renewable energy transportation sources (Gupta, 2025). One of the promises that

President Xi Jinping has made is to honour the goals of the Paris Climate Accords by eliminating coal production in China. However, some state-owned enterprises (SOE) are still in need of coal and are therefore outsourcing their coal production (Gupta, 2025). Through the BRI, 1.600 coal plants have been planned throughout the BRI countries (Chiu, 2022).

China's Interests within Research, Innovation and Technology

China has set ambitious goals to become a global leader in science and technology by 2049. The government's strategic plans, such as "Made in China 2025", emphasise its self-reliance in critical technologies to reduce foreign dependence and achieve technological supremacy (State Council of China, 2015; MIT Technology Review, 2021). One of the largest ambitions is within AI, as China aims to become a leader within AI in 2030 (Center for Security and Emerging Technologies, 2020). This has led to massive investments in machine learning, autonomous systems and domestic chip production with the goal of creating a fully controllable AI ecosystem (Dreyer, 2025). Another industry that China heavily invests in is semiconductors which have already sparked issues with the US. Currently, China has the largest market for semiconductor sales. For many of the giant tech companies, China holds either the top source of revenue or the second-largest source of revenue (Malkin & He, 2023). The tensions between the two countries started when the US started putting regulations on imports of Chinese microchip firms, which harmed Huawei's sales in 2019 (Malkin & He, 2023). However, the sanctions led to China focusing its production of semiconductors domestically, and it is starting to become a reality, as Huawei released their Mate 60 Pro, which chip is over 50% produced in China (Ban & Matsuura, 2023). Below are two tables which succinctly describe the interests of the two actors before the comparison of the interests of the two actors.

The EU's interests	
Trade	<ul style="list-style-type: none"> - Free trade amongst MS. - Trade agreements with foreign countries or regions. - Better markets access to countries/industries outside of the EU. - Promoting the WTO standards in trade, such as fair trade, sustainable trade and expanding negotiations with developing countries.
Climate	<ul style="list-style-type: none"> - Climate neutrality by 2050. - Boosting renewable energy. - Financial support for transitioning to a green economy.
Innovation, technology and research	<ul style="list-style-type: none"> - Fallen behind in these sectors compared to other regions. - Prioritises competitiveness over sovereignty. - Focus on AI and data sourcing.

Table 2: The EU's interests within trade, climate and the area of innovation, technology and research.

China's interests	
Trade	<ul style="list-style-type: none"> - Growing global trade influence through BRI and FTA. - Independent secure chains. - Counterbalance to the Western-led trade system.
Climate	<ul style="list-style-type: none"> - Climate neutrality by 2060. - Peaking carbon emissions by 2030. - Financial supporter so other countries can reach their climate goals. - BRI project.
Innovation, technology and research	<ul style="list-style-type: none"> - Self-reliance through being a leader in science and technology by 2049. - Self-reliant AI eco system by 2030. - Producing their own chip 100% domestically.

Table 3: China's interests within trade, climate and the area of innovation, technology and research.

Comparison of the two actors' interests

Through analysing the two interests of the EU and China, it is evident that they share a lot of similar goals which should lead to close cooperation. However, as they share similar ambitions, it can also cause those interests to clash. One area is within trade, as both actors favour self-reliance through trade (European Commission, n.d.-b; State Council of China, 2015). Both actors share an ambition for greater trade influence, with the EU wanting greater market access to other countries and regions outside its region. Similarly, China also wants a greater position

within global trade and is trying to achieve this through their FTA with other countries. Both actors have also shared ambition for market access in each other's markets (Xiang, 2021; European Commission, 2021). This ambition came to fruition through the Comprehensive Agreement on Investment (CAI), which allowed for greater investment between each other. However, this agreement was frozen due to the EU concerns over the human rights issue in Xinjiang (Ni, 2021). Both actors share great ambition within achieving climate neutrality by 2050, and both of them have also emphasised the production of renewable energy sources. The ambition for self-reliance also affects their climate negotiation, which was evident through an anti-subsidy probe on BEVs in 2023 (Grieger, 2024). China is currently one of the leading manufacturers with BEVs, and countries, like Germany and Hungary, were increasingly interested in furthering the trade with China on BEVs. However, other countries, such as France, have expressed caution to furthering the trade in order to protect European manufacturers (Von der Leyer, 2023). The internal dispute among the MS have made it difficult for the EU to pursue a united agenda in its trade relations with China. The matter was complicated further in 2023, when the European Commission launched an anti-subsidy probe into the imports of Chinese BEVs (Grieger, 2024). The probe was established because the EU believed that the vehicles from China were being charged at a lower price to make them competitive (Grieger, 2023). However, this move has damaged the trading relationship between the EU and China, as China is interested in furthering cooperation within renewable energy sources but the anti-subsidy probe makes it more difficult (IEA, 2023). Within research and technology, both actors share similar ambitions, as both want to be seen as a leader in the industry (State Council of China, 2015; European Commission, n.d.-b). The interest that both of them share within AI could lead to potential collaboration. However, as the EU stance is to prioritise competitiveness over sovereignty then that could lead to potential issues, as it will view China strictly as a competitor in that area. Therefore, the EU and China share many similar ambitions, however, due to their ambition to be leaders within certain areas, it can likely cause more tensions in their negotiations with each other.

Literature review

The field of international negotiations has a comprehensive historical background, as the need to understand how actors with competing interests can come to an agreement date back millennia (Alfredson & Cungo, 2008). The field also contains a certain level of complexity, as it did not begin within one area of study but rather has had contributions made from several

areas of study, such as game theory, law, economics and diplomacy studies. One of the key historical events which triggered the scholarly growth in the field was the Cold War, as it fostered a need for systemic approaches to understand international decision-making (Alfredson & Cungo, 2008). It is during this time that the first scholarly publications addressing international negotiations were made, with those being *The Strategy of Conflict* by Thomas Schelling and *Game Theory* by John von Neumann and Oskar Morgenstern (Alfredson & Cungo, 2008). These publications laid the foundational steps for the scholarly understanding of international negotiations. The two-level game theory has been a prominent tool within the theory of international negotiations in order to explain the negotiations between the EU and China. It has been used to analyse the delayed ratifications within trade negotiations, such as the establishment of the CAI, and how it was later frozen due to the human rights issues in Xinjiang (Baroncini, 2018). The theory has also been used to depict the conflicting interest within EU MS when it comes to negotiations with China. For the CAI case, Germany strongly advocated for a deeper EU-China economic integration throughout the negotiation process due to its reliance on Chinese markets for exports. However, France was more cautious, emphasising strategic autonomy (Baroncini, 2018). It was also used in discussion of the BRI, as Chinese SOEs and EU firms were analysed for how they lobbied either for or against the BRI project (Gehrke, 2018). Conflicting interests have also been studied within climate diplomacy, as Austermann and Vangeli (2014) found that due to Poland and Germany's conflicting agendas within renewable energy transition, it became a level II constraint for the EU. Conflicting interests are also visible within the HRDs, as the EU often faces constraints in level II due to divided opinions between the EP, NGOs and MS (Bersich, 2019; Wouters & Burnay, 2016; Kinzelbach, 2015). Bersich (2019) states that the EP and NGOs often take hardline stances in regards to human rights, such as in the case of Xinjiang, whereas MS prioritise trade over human rights. China has further used these internal divisions to its advantage by making trade incentives to MS, like Hungary and Greece (Wouters & Burnay, 2016). Kinzelbach (2015) states that China faces constraints on level II, as the public narrative in China is often that the EU's human rights demands are Western hypocrisy. However, the disputes between China and the EU within the HRDs also stem from a difference in their basic understanding of human rights (Men, 2011; Kaya, 2014; Geeraerts, 2016; Taylor, 2022). One commonality appearing in scholarly literature is that the EU and China agree that the difficulties stem from each actor's foundational prioritisation of human rights. Men (2011) explains that China has historically prioritised social and economic rights over civil and political rights due to the country's economic descent and rise over the past 125 years, as China

has historically focused on trying to regain its former economic status before the century of humiliation. The century of humiliation describes the period after the first opium war until the formation of the People's Republic of China in 1949. This period is categorised by several wars and economic disparity (Xing, 2010). Hence, there has been a greater need to prioritise rights that align with this purpose (Men, 2011). On the other hand, the EU has historically always placed civil and political rights first (Geeraerts, 2016). Therefore, a conflict can already be found on the foundational level of the debate between them. Additionally, scholars have also focused on the dwindling power of the EU's human rights regime (Kaya, 2014; Geeraerts, 2016; Han & Stefani, 2024). Geeraerts (2016) explains that because of the EU's critical political position in the post-WW2 world and that human rights were at the centre of its foreign policy, it gave the EU a certain power within human rights, as countries would have to conform to its prioritisation of human rights. This is further established by the concept of NPE, which several scholars have also investigated in regards to the human rights debate with China (Men, 2011; Jenichen, 2022; Taylor, 2022; Han & Stefani, 2024). For the EU, the resistance from China to conform to the EU's prioritisation of human rights is a clear sign of the diminishing power of NPE. Han and Stefani (2024) also investigated China's resistance, arguing that it undermines the EU's ability to uphold its fundamental values globally. Additionally, Potter et al. (2017) argue that this resistance from China can be seen as the country is trying to create a sovereignty-based approach to human rights. Most of the literature mentioned has taken a macro-level approach to investigating the resistance from China in the human rights debate between the EU and China. However, Taylor (2022) investigated this at a micro-level through the HRDs. Through a discourse analysis based on interviews with the EEAS diplomats, he showcased resistance to the human rights debates from both the EU and Chinese diplomats, limiting the impact of the HRDs. Our study will try to bridge the gap between micro-and macro-level analysis of the HRDs by investigating how the EU and China are able to negotiate within HRDs by using both discourse analysis and two-level game theory. Therefore, this study fills a literature gap, as we try to approach the negotiations issues between the EU and China from both perspectives.

Conducting the analysis

Based upon our methodological and theoretical framework, we will be conducting an analysis for each of the nine press briefings from 2014 to 2024. First, the contextual analysis will showcase the contextual situation of level I and level II, which is needed to understand the EU

and China as well as the other elements and actors, impacting the two actors on each level of game theory. The findings of the contextual analysis will also act as a guiding point for how we perceive each actor's win-sets. Each of the briefings has its own separate analysis which will be separated into three parts in which we consider each of our methodological and theoretical considerations. The first part will consist of a discourse analysis, focussing on a combined ideological critic and frame analysis in which we will identify the different human rights issues and the concerns from each actor through frames. These frames will then be considered within the macro-level process of the EU-China partnership, such as if a frame discusses environmental protection and human rights, then we will identify macro-level elements which touch upon these issues in the year before the HRD. This is done in order to illustrate the linkage between the micro-level HRD and the macro-level elements of the EU and China's partnership as well as to ensure that any negotiation which is successful is not a byproduct of their general partnership but rather the outcome of the two actors' negotiation within the HRD. The final part will involve using a two-level game theory mechanism to explain the negotiations between the actors at the given year, and what constraints the negotiations have run into as well as any win-set which has been identified.

However, in the case of the 34th and the 39th HRD, as both the EU and China have published a press briefing, the analysis will begin with the first step for the EU's press briefing and then for the Chinese MoFA, followed by a comparison of the human rights concerns mentioned. Afterwards, the 34th and the 39th HRD will follow the previous explained structure of step two and three. In order to summarise the findings of each analysis, a sub-conclusion will follow step three of the discussed analysis.

Analysis

The HRDs occur within a complex and multifaceted context, rooted in numerous dimensions, such as the historical, economic and cultural, and includes both the EU and China as well as their strategic partnership and the various elements within said partnership (Kaya, 2014; Orbetsova & Men, 2016; Taylor, 2021, 2022). As this thesis applies the lens of two-level game theory, this contextual analysis is divided into two parts. The first part will focus on the context of the HRDs, including the two actors, their identities and view on sovereignty. The second part goes beyond the micro-level of the HRDs to the macro-level which focuses on international context. As such it will delve into the media, the EU as a supranational organisation, NGOs and the EU and China's strategic partnership.

Level I: The HRDs

The EU and China are two very different actors both in terms of simple differences and the more complex. Where China is a country, the EU is not – rather it is a supranational organisation, composed of 27 countries who have delegated part of their decision-making power to the EU (Men, 2016; Coman, Crespy & Schmidt, 2020; Fabrini, 2020; European Union, n.d.-a). Additionally, since the beginning of the EU and China's diplomatic relationship in 1975, the two actors have changed greatly (Orbetsova & Men, 2016). The EU has changed from an economic community, consisting of nine similar Western European democracies in 1975 to today's EU, which consists of 27 diverse MS. The EU has attempted to forge a distinctive European presence in international affairs through the concept of NPE, which Wong (2013) argues will place it on a coalition course with China. China has undergone an impressive economic transition, lifting millions out of poverty. As such, the Chinese self-image has been through a dramatic revolution which has forced China to re-evaluate its identity. While Wong (2013) suggests that EU-China relations have evolved alongside their changing nature and the growth of each actor, it is their ever-changing identities which cause them to swing between conflict and cooperation. Yet, despite this, the two actors are likely to continue the pattern of responding to each other based on their respective population's demands and needs as well as the external expectations which are placed upon them due to their status as important actors within trade, climate change and technology (Wong, 2013). The two actor's national and international interests further differ greatly within various policy fields, as illustrated by table 2 and 3, hence making it clear which areas their respective interests in these fields “push” each other. Therefore, it illustrates that while the EU and China collaborate within numerous policy fields, their collaborative work within the area of human rights, such as women's rights, is not merely a byproduct of their general strategic partnership.

Moreover, they also differ greatly in terms of culture, growth of civil society, their political system and the level of economic growth, having resulted in an agreement that neither actor really understands the other very well (Men, 2009, 2016; Pan, 2012). China's rise to power presents the EU both with opportunities and challenges which the EU intends to both explore and meet, making it an important point on its agenda. The EU has expressed its desire to enhance communication and its collaborations with China. China, on the hand, considers the EU to be “a ‘major force’, an ‘important strategic partner’ and ‘one of its most important trade and investment partners’” (as cited in Orbetsova & Men, 2016, pp. 3-4). Hence, China

considers it to be vital to strengthen the mutual understanding between the two and by extension, their strategic partnership. Additionally, China sees mutual respect and non-interference in internal affairs as being the key to China-EU relations, as it suspects that the EU is using human rights to infer in its domestic affairs under the premise of human rights (Men, 2011). This is largely due to China's view of sovereignty, where human rights are considered to be a domestic matter, and inference – either subtle or forceful – should only be permitted when the territorial integrity of the state is compromised. Moreover, violations of human rights should rarely - if ever - constitute a justification for inferring in another state's internal affairs (Kaya, 2014). However, this is far from the perspective of the EU, where the sovereignty of states is understood as being violable, and the inference in the internal affairs of other states is valid, especially in regards to human rights violations (Kaya, 2014). Hence, interventions into the internal affairs of other states can function as a means to improve the state's human rights record, as states with serious human rights violations can be seen as threatening the international security and peace since both democracy and human rights are recognised as universal principles (Men, 2011). Additionally, where China considers economic and social rights over those of civil and political rights, the EU prioritises the opposite (Men, 2011, 2016; Geeraerts, 2016, 2019). Moreover, Matlár (2002) applies the term “new interventionism” to describe the EU's approach in regards to promoting the values of human rights and democracy, hence changing the norm of sovereignty. Both values have grown in importance and become hard values for the EU. As a normative power, the EU wants *“to help China transform into a country based on the rule of law, with respect for human rights and democracy”* (Men, 2011, p. 546). Yet, the EU's reaction to China's rise to power further infers with its ability to spread its idea of sovereignty which both defines the EU as a political actor as well as its ability to pursue the spread of it in its external relations (Kaya, 2014). However, should the EU fail to pursue norms-based negotiations, particularly with a focus on human rights, with China when it insists on norm-based negotiations with weaker states, the EU is likely to be accused of hypocrisy (Mattlin, 2012).

Level II: The International Context

In 1975, the EU and China established diplomatic relations, and today, their partnership includes more than 60 types of dialogues, fora and high-level summits, fostering their cooperation on both the diplomatic and on people-to-people level (Orbetsova & Men, 2016). Hence, the HRDs are one of the numerous elements of their strategic partnership, making it highly probable that the HRDs are at times influenced by the other elements of their partnership

and vice versa. An example which illustrates this implicit influence was in 2021 where the EU imposed sanctions on Chinese officials due to the human rights situation in Xinjiang which resulted in five EU lawmakers being sanctioned by China, causing official dialogues to be suspended by the EP. In addition, it resulted in the ratification of the CAI to be delayed (AP News, 2025; Reuters, 2025). Hence, it is important to acknowledge the duality of the elements within the EU and China's strategic partnerships in regards to how they can both influence and be influenced by each other. Michalski and Pan (2017) argue that in order to enhance their status and position as global actors as well as the recognition of their international roles, China and the EU engage in competitive role-playing with each other. As such, their partnership provides them with structures which allow them to project role expectations upon the other by alter-casting the other into supportive positions which strengthen their respective world views and international identities as well as by shaping the role's demands.

The EU is a supranational organisation, as previously stated. It consists of four main decision-making institutions: the EP, which represents the citizens of the EU's MS; the European Council, which is the council for the heads of the EU's MS; the Council of the EU, wherein the national ministers of the MS discuss policy coordination; and lastly, the European Commission, which is the main executive body of the EU and represents the common interests of the EU (Coman, Crespy & Schmidt, 2020). However, in regards to the level II, the EP, the Council of the EU and the European Commission are most relevant. Additionally, due to the supranational nature of the EU, its win-sets are narrower in part due to different preferences amongst the EU actors, illustrated by the EP generally taking a hardline stance towards human rights, whereas the European Commission tends to be more pragmatic in its approach, as it balances economic relations with human rights (Bersich, 2019; EEAS, 2018, 2019). The Council of the EU is often split in its opinions, as different MS have different interests. Countries, such as Germany, generally want more robust advocacy for human rights, whereas countries, such as Greece and Hungary, tend to be softer in their approach in part due to their economic ties with China (Kinzelbach, 2014; Marques, 2019). Hence, it illustrates an internal fragmentation within the EU in regards to the interests of level II. Additionally, it causes the EU to lack sufficient political backing from its MS when it comes to negotiating human rights with China (Taylor, 2022).

As previously mentioned, when it comes to understanding each other, both Chinese and Europeans are in agreement that this is not their area of expertise (Men, 2009; Pan, 2012).

However, Men (2016) argues that how both parties understand and perceive the other clearly impacts the EU and China's relationship's development, making perception a vital matter for the two. Yet, the majority of the information which Chinese know about the EU comes from news analysis and reports by Chinese journalists which are based on either the journalists' own interviews, reports and/or analysis in EU MS or from translations by either European and/or international media (Men, 2016). Hence, it clearly illustrates the important role which media play in the understanding of the EU for the Chinese. The same can likewise be said of the Europeans (Genovese, 2024). In their study, Zhang and Yu (2013) found that the Chinese officials, NGO workers, media workers and scholars considered the EU public's limited understanding about China, the Chinese society and of Chinese political institutions to be the most important areas which would need to be improved in order to strengthen cooperation between the EU and China. However, the participants also considered the lack of Chinese understanding about Europe, European society and of EU political institutions to be amongst the most important areas which would require improvement to strengthen the cooperation between the two actors (Zhang & Yu, 2013). Hence, it illustrates how knowledge about the other actor is limited amongst the two populations which is likely to negatively impact the two actors' cooperation. In order to improve the public's understanding of each other, people-to-people dialogues have been added to the EU-China repertoire, hence strengthening the facilitation of exchanges between two. However, in a later study, Zhang, Kübler and Dong (2023) found that the Chinese public holds a positive view of the EU, hence recognising the EU as a beneficial partner for China or as a minimum as a friendly stakeholder. Hence, it illustrates a possible improvement in regards to China's attitude towards the EU. Yet, according to Men (2016), it remains a minority of the two populations who actually travel to the other country or continent which is the reason most Chinese and Europeans rely on the media to provide first-hand accounts of both the other as well as EU-China relations. However, social media must not be underestimated in the facilitation of news (Kümpel, Karnowski & Keyling, 2015). Wang and Nicoletti (2025) found during the COVID-19 pandemic that Chinese influencers had a positive effect in regards to debunking harmful narratives and discourses, targeting people of Asian or Chinese descent, as well as by fostering social interactions. In addition, they found that influencers continue to play a significant role in the dissemination of content and information to especially younger demographics. While the role of social media and influencers must not be underestimated, it is not the focus of this thesis, and as such no additional attention will be paid to it.

Another vital part of the macro-level context is NGOs both national and international. However, international NGOs will be the primary focus, as according to Bloodgood (2011), international NGOs play an important role within IR. By participating in international negotiations, NGOs seek to impact the outcomes of the negotiations, swaying the outcomes in accordance with their objectives (Albin, 1999; Betsill & Corell, 2008; Schörder & Lovell, 2012). Despite their limited formal role, the visibility of NGOs within international affairs has grown. Additionally, NGOs participate in the EU's policy-making, as they provide the EU with legitimacy in regards to addressing the EU's democratic deficit (Greenwood, 2009; Noortmann, 2015). Manfredi and Jugl (2024) found that humanitarian NGOs function as the EU's eyes and arms in the sanctioned countries, hence making them vital partners during the process of designing sanctions. However, the NGOs' role within the policy process depends on their resources. Yet, this is not the role of NGOs in the macro-level context, as they are not sitting on the HRDs with the EU and China, trying to sway the outcomes of the HRDs. Instead, the NGOs can be found on the sidelines mainly as critics of the HRDs despite working with the EU to prepare for each of the HRDs (EEAS, 2014, 2018, 2024; Amnesty International, 2024). The two biggest critics of the HRDs are also the two of the biggest international NGOs on Earth: Amnesty International and the Human Rights Watch. Both critique the lack of outcome from the HRDs and improvement from the Chinese side, calling for the EU to suspend the HRDs and instead employ “*more impactful measures*” (Amnesty International, 2024, para. 3; Human Rights Watch, 2024). Using the findings of the context analysis, we have below created a table which illustrates the implication for each actor win-sets on the two levels.

Implications for the win-sets for the EU and China	
Level I: HRDs	
The EU	China
<p>Agreements on level I must signal a commitment to human rights or else it will not be approved in level II.</p> <p>Agreements should allow for minor improvement within areas, such as labour rights.</p>	<p>Agreements on level I must not appear as interfering with the internal affairs of China.</p> <p>Agreements should be framed as equal and respectful.</p> <p>Agreement should emphasise economic rights.</p>
Level II: International context	
<p>The EU is impacted by the preferences of its level II institutions which tend to take a hardline stance on human rights violations, such as the EP.</p> <p>NGOs also take a hardline stance on human rights violations, such as the discussions on Xinjiang.</p>	<p>Increasing knowledge on Chinese society, particularly its norms and culture, which leads to a more respectful understanding of China.</p> <p>Increasing knowledge on Chinese society would additionally lead to a better understanding of what China considers as interference within its domestic affairs.</p>

Table 4: Implication for the win-sets for the EU and China for level I and level II.

The 33rd HRD

As the sender-receiver relationship is the same for the HRDs from 2014 to 2024, the analysis of the 33rd HRD will begin with a brief dissection of said relationship for all the HRDs. The sender of the press briefings for the HRDs is the EU's EEAS, which was created in 2011 and act as the EU's diplomatic service, carrying out the EU's Common Foreign and Security Policy with the aim of *“to promote peace, prosperity, security, and the interests of Europeans across the globe”* (EEAS, 2025, para. 3). However, due to the EU being the sender, it is important to note that the press briefings might be more indicative of the EU's perspective rather than illustrating both perspectives without bias. The primary receivers are humanitarian NGOs, such as the Human Rights Watch or Amnesty International, as they have vested interest in the

outcomes of the HRDs and have been very vocal about their disapproval of the lack of outcome from the HRDs (Amnesty International, 2024; Human Rights Watch, 2024). The secondary receivers are those interested in EU-China relations or human rights and the public of the two, however, primarily the European public, as the earlier HRDs require some digging to find. These press briefings appear to be more for the level II actors, functioning as a means of providing a very narrow view into the negotiations which occur within the EU-China human rights relationship.

The 33rd HRD took place in Brussels from the eight to the ninth of December 2014 with a HRD meeting, a press conference and a visit to the Molenbeek's communal service and the Brussels main police station, focussing on assisting the survivors of domestic abuse and the handling of reports of domestic abuse. It illustrates one of the two main frames which is practical information about the 33rd HRD (See Appendix D, ll. 2-6, 23-29). The press briefing is void of personal pronouns and modal verbs which makes sense, as it aims at creating a sense of objectivity. The second major frame is the human rights exchange which *“allowed the two sides to have a detailed exchange of views on a wide range of human rights issues”* (Appendix D, ll. 8-9). The adjective *“detailed”* is particularly interesting, as it is one of 22 adjectives in the entire press briefing, where seven of which are nationalities: Chinese or Hukuo but primarily European due to the mentions of the EU (Appendix D, ll. 9-23). Additionally, it is the only one which directly comments on the actual dialogue. Hence, it can be argued that the adjective is indicative of the status of the HRD. However, whether the adjective is meant positively or negatively is another question entirely which cannot be objectively determined, as there are no other adjectives or words, commenting on the HRD. Within this frame, there are two minor frames: Chinese concerns and EU concerns. Out of the two subframes, the frame of EU concerns is the biggest, covering 13 lines unlike the Chinese concerns which covers three lines. The EU concerns focussed on:

“the right to adequate housing and reform of the Hukuo system, the rights of persons belonging to minorities, especially in Tibet and Xinjiang, freedom of religion or belief, freedom of expression (off-line and on-line), freedom of peaceful assembly and association, the due process of law, arbitrary detention and the death penalty [...] the right to vote and the right to stand for elections and its application to Hong Kong” (Appendix D, ll. 8-12, 20-21).

The ten concerns mentioned by the EU cover a variety of the Articles in the UDHR, such as the freedom from arbitrary detention which is Article 9 (freedom from arbitrary arrest, detention or exile) (United Nations, n.d.-c, para. 30-31). Most of the concerns are covered by one article, except for the reform of the Hukou system, which can be argued to expand across a variety of articles, such as Article 13 (freedom of movement), Article 2 (everyone is equal regardless of race, colour, sex etc.) and Article 25 (right to adequate standard of living) due to the complex nature of the Hukuo system (Hung, 2022; Amnesty International, n.d.-a, para. 16-17, 24-25, 30-31). Additionally, the EU brought up a list of eight individuals in the context of the human rights situation in China, illustrating the comprehensiveness of the EU's concerns. Yet, according to Taylor (2022), by raising individual cases, it is as a level I strategy from the EU which counterproductively limits the negotiations rather than opening up discussions. Where the EU concerns cover approximately 10 Articles of the UDHR, the frame of Chinese concerns only cover one: Article 2 (everyone is equal regardless of race, colour, sex etc.). The Chinese concerns focussed on: *“the implementation of the EU Charter of Fundamental Rights, combating discrimination, racism, xenophobia and incitement to racial hatred, as well as the EU's Roma strategy”* (Appendix D, ll. 15-17). In addition to both actors' concerns, the two of them also discussed women's rights and technological cooperation (Appendix D, ll. 21-22). The latter was argued by Kinzelbach (2014) to be the third component of the HRD, as illustrated by the numerous EU and EU MS-sponsored programmes in China which are meant to develop the rule of law. Yet, Kinzelbach and Thelle (2011) found that there is only incidental link in practice between the EU-sponsored programmes, which focuses on the rule of law, and the EU's quiet diplomacy despite early EU's policy papers, detailing projects of technical cooperation as a vital component within the HRDs. Additionally, the 33rd HRD contains a minor frame of women's rights, focussing especially on domestic violence. Despite being an issue affecting all genders, domestic violence remains a female-dominated problem, as one in three women during their lifetime become a victim of domestic violence compared to one in 10 men (Huecker et al., 2023; Appendix D, ll. 21, 26-29). Especially amongst the LGTBQIA+ females, the problem is even larger, as compared to 35% of heterosexual females, approximately 44% of lesbians and 61% bisexual women have experienced domestic violence in form of physical violence and rape by an intimate partner (Volunteer Legal Advocates, n.d.). This frame was illustrated by the visits to the Brussels police status and the Molenbeek's communal service as well as meeting with civil society experts on domestic violence (Appendix D, ll. 26-29). Hence, the topic of domestic violence was clearly prominent due to the focus which was dedicated to it.

Looking toward the other elements of cooperation which the EU and China have had since the previous HRD or in this case since the first of January 2014, as we were unable to find any information about the 32nd HRD, the EU and China have had four macro-level elements (Appendix A). Particularly, the joint statement on deepening the EU-China comprehensive strategic partnership for mutual benefit which was published on the 31st of March is interesting, as it directly mentioned human rights and the two actors' commitment to its protection and promotion, stating that:

“The two sides reaffirmed the importance of the promotion and protection of human rights. Both sides agreed to deepen exchanges on human rights at the bilateral and international level on the basis of equality and mutual respect, and to strengthen their human rights dialogue with constructive discussions on jointly agreed key priority areas” (European Commission, 2014, para. 13).

The quote directly links the joint statement to the HRDs with both actors acknowledging the importance of human rights' protection and promotion as well as agreeing to deepen their exchanges on the matter of human rights. Moreover, this agreement can be seen as a symbolic gesture from each actor, as they try to align their different win-sets within human rights. However, it is interesting that it is followed by *“on the basis of equality and mutual respect”*, as it suggests that the one or both of the actors do not consider themselves to be on equal footing with the other actor (European Commission, 2014, para. 13). It is the only of the four macro-level elements of their partnership in 2014 which mention or touch human rights or any of the concerns brought up by either actor. The minor frame of women's rights, focussing on domestic violence, links to the interests of level II actors, as it is a topic which both the Human Rights Watch and Amnesty International have been very vocal on, with Amnesty International having had a six-year long campaign *Stop Violence Against Women* from 2004 to 2010 (Human Rights Watch, 1999, 2001; Amnesty International, n.d.-b). Hence, the interests of the NGOs and those of the EU and China align on this matter. Therefore, this can be considered a successful overlap of win-sets between the actors on both levels.

The Chinese concerns for the EU, particularly the concern for the Roma population and the issue of racism, are also mentioned in the World Report, which is the Human Rights Watch's yearly review on the status of human rights for each country on Earth. The concern by the

Human Rights Watch is visible in its directly mentioning the abusive expulsion of the Roma by France that year. Additionally, the Human Rights Watch discussed how within the EU racism is a serious problem and that the Roma population remains marginalised (Human Rights Watch, 2014b). Hence, it illustrates how the concerns of China largely align with the interests of humanitarian NGOs, such as the Human Right Watch. However, France's deportation and eviction of Roma showcase how the EU and its MS do not always see eye to eye despite the EU's Roma Strategy from 2010, which was meant to improve Roma equality, inclusion and participation in all MS through national Roma strategic framework (European Commission, n.d.-i). The European Commission found improvement in several areas, such as the government in France being committed to reduce financial barriers to make healthcare more accessible to the most vulnerable or that France had built quality temporary lodgings with the involvement of the Roma community in the country (EUR-Lex, 2014). Yet, in 2013, 19.300 Roma were evicted across France, which is more than double that of 2012 (Astier, 2014; European Roma Rights Centre, 2014). Hence, it suggests that there is a misalignment between the interests of the EU and France on level I and level II. Additionally, regarding the Chinese concerns, it is noteworthy that the Human Rights Watch brought up additional concerns in its World Report for the EU which included homophobia and the protection of migrants, suggesting that the NGOs would have liked to go further regarding its concerns than China did (Human Rights Watch, n.d.-b).

As for the EU's concerns regarding the human rights situation in China, they also mostly align with the humanitarian NGOs' interests as well as NGOs since the Human Rights Watch and Amnesty International had criticised China for restricting the freedom of expression, assembly and association as well as detaining human rights defenders. However, as with the Chinese concerns, the Human Rights Watch did have additional concerns, such as inadequate protection for people with disabilities, the reproductive rights of women or the protection of members of the LGBTQIA+ community, particularly within the workplace (Human Rights Watch, n.d.-a, Amnesty International, n.d.-a). As such, the alignment between the interests of the actors on level I and level II is visible in no NGOs calling for the HRD to be suspended, which has been a recurring theme in later dialogues (Human Rights Watch, 2023, 2024, 2025). However, humanitarian NGOs do have more concerns than those expressed by the EU and China, suggesting that while their interests are mostly aligned with the EU and China that the NGOs would push for the detailing of further concerns (Human Rights Watch, n.d.-a, n.d.-b).

Subconclusion

The 33rd HRD was a detailed dialogue in which the EU brought up 10 human rights concerns in China, ranging from freedom of expression to reform of the Hukuo system. The concerns, which were in the frame of EU concerns, illustrated 10 Articles of the UDHR. The Chinese concerns for the EU focussed on discrimination, racism and xenophobia which demonstrates Article 2 of the UDHR. The HRD had two additional focuses: technical cooperation and women's rights. The former is, according to Kinzelbach and Thelle (2011), the third component of the HRD. The latter is a minor frame of women's rights, focussing on domestic violence which remains a largely female issue. The frame was clearly a prominent topic within the HRD, as the two actors had meetings with civil experts on domestic violence and visits to the Molenbeek's communal service and the Brussels police status on top of the HRD. In a joint statement by the EU and China about deepening their strategic partnership, it directly went into the protection and promotion of human rights. Both actors agreed to deepen their HRD exchanges. Additionally, the interests of the actors in level I and level II appeared to be relatively aligned during this HRD, as no NGOs called for the dialogue to be suspended, and the concerns mentioned by both the EU and China as well the general concerns were interest of humanitarian NGOs, such as Amnesty International which has had a six-year long campaign with the aim of stopping violence against women (Human Rights Watch, n.d.-a,n.d-b; Amnesty International, n.d.-b). Therefore, it can be considered that for the 33rd HRD, the win-sets of the different actors overlapped, creating successful negotiations.

The 34th HRD

The 34th HRD took place from the 30th of November to first of December in 2015 in Beijing. As with the 33rd HRD press briefing, the 34th did not employ personal pronouns or modal verbs in order to promote a sense of objectivity. The press briefing began and ended with one of two main frames which is practical information, describing who attended the HRD and the schedule of it, such as *“field visits to the Research centre for Women’s human rights at the China Women’s University”* (Appendix E, ll. 2-7, 36-39, 38). By visiting the research centre for women's human rights, it links back to the 33rd HRD, which had a minor frame of women's rights, focussing on domestic violence. Hence, it suggests that the theme holds some importance within the HRDs. The second major frame is the exchange of human rights concerns, which consists of three minor frames. The frame of general concerns includes the acknowledgement of both actors that they *“consider human rights to be an important part of*

their bilateral relations” and two additional points of discussion in the HRD (Appendix E, l. 8). The adjective “*important*” is particularly interesting, as it directly demonstrates how both actors view the HRD to be a vital element in their strategic partnership. Additionally, the adjectives “*in-depth*” and “*detailed*” are also used to describe the 34th HRD (Appendix E, ll. 11,13). While the two adjectives are synonyms, they do provide an insight into how the 34th HRD was perceived. Given that the EU brought up 11 human rights concerns in addition to 20 individual cases, the adjective “*detailed*” appears to be fitting (Appendix E, ll. 14-25). Hence, it illustrates the second minor frame within the frame of exchange of human rights concerns: EU concerns for the human rights situation in China. The EU brought up:

“concerns about recent developments in China, such as pending legislation on national security issues (counter-terrorism, cybersecurity and the administration of overseas non-governmental organisations), the right to adequate housing and reform of the Hukou system, the rights of persons belonging to minorities, especially in Tibet and Xinjiang, freedom of religion or belief, off-line and on-line freedom of expression, freedom of peaceful assembly and association, the due process of law, arbitrary detention, torture and the death penalty”
(Appendix E, ll. 14-20).

Nine of the 11 concerns were mentioned in the 33rd HRD, hence illustrating that the EU does not consider them to have been improved upon or that they are seen as important in regards to the human rights situation in China. The remaining two concerns cover torture, which is mentioned in Article 5 (freedom from torture), and Chinese legislation on national security issues, which the UN has referred to as both too vague and broad (Chinese Law Translate, 2015; United Nations, 2015; Amnesty International, n.d.-a, para. 18-19). Part of the reason why the UN spoke up against the legislation was due to it allowing for the mobilisation of citizens both to guard against and report possible security threats to the authorities (United Nations, 2015). Hence, it can be argued that it touches upon Article 12 (the right to privacy and freedom from attacks on their reputation), as it goes against the privacy of the Chinese public due to implicit surveillance (United Nations, 2015; Amnesty International, n.d.-a, para. 22-23). With the EU bringing it up at the HRD, it plays into the Chinese fear of the EU using human rights as a means to infer into its domestic affairs (Men, 2011). In general, the EU concerns touch upon 10 articles of the UDHR, including Article 2, 9, 18, 19 and 20 (Amnesty International, n.d.-a, para. 16-17, 20-21 & 26-29). The EU acknowledged the decision to release Gao Yu on

medical parole (Appendix E, l. 25). Hence, it was a subtle praise of the Chinese government's work on improving human rights, which the EU did not do in the previous HRD.

The last minor frame within the exchange of human rights concerns is the Chinese concerns which included: *“the issues of migrants’ protection, xenophobia and religious discrimination in the EU”* (Appendix E, ll. 28-29). Two of the concerns raised were also raised by the Chinese side the previous year. However, migrants’ protection is new and can be argued to be covered by Article 3 (Everyone has the right to life and to live in freedom and safety) (Amnesty International, n.d.-a, para. 16-17). During the HRD, the two actors also discussed environmental protection and human rights as well as *“the social integration of migrant workers in China and refugees and asylum-seekers in Europe”* (Appendix E, ll. 33-34). These concerns are included in the previously mentioned minor frame of general concerns. However, the second concern links back to the Chinese concerns about the human rights situation in the EU. Additionally, meetings with *“Beijing Zhicheng Legal Aid Centre for Rural Migrant Workers”* link back to the Chinese concerns in regards to both migrants' protection and religious discrimination (Appendix E, ll. 36-39). This linkage which occurred twice is very interesting, as it did not occur during the previous meeting. However, as it could be a coincidence, it is not possible to read too much into it.

The 34th HRD - The Chinese perspective

On the 30th of November 2015, the first day of the 34th HRD, the Chinese MoFA published their own press briefing of the 34th HRD on its website (See Appendix F). It is very interesting, as it is the first time that we could find that the Chinese MoFA has published such a press briefing on the HRDs. Hence, it could indicate that something happened during this HRD with which the Chinese government was displeased or wanted to draw attention to. On top of that, the fact that the Chinese MoFA published the press briefing on the day of the HRD and three days before the EU's own press briefing, it further supports the hypothesis that something happened. The press briefings from the Chinese MoFA provides a different perspective to those by the EU, as it is more likely to shed some light on the Chinese perspectives of the HRDs since both the 33rd and 34th HRD give the EU more room for their concerns compared to the Chinese. Like with the 33rd HRD, this analysis will begin with a brief dissection of the sender-receiver relationship of the two Chinese press briefings, hence covering the 34th and the 39th HRD. The sender is the Chinese MoFA, which makes sense, as its department of European

Affairs is a permanent fixture of the Chinese representation at the HRD (Kinzelbach, 2014). The primary receivers are the EU and NGOs, as it wished for the EU to update its perspective on China's achievements within the human rights regime and for the HRDs to be conducted “*on the basis of equality and mutual respect*” (Appendix F, ll. 17-19). Hence, China calls for greater recognition of its achievements which could also be argued to also extend to NGOs due to their portrayals of China in regards to its human rights situation (Human Rights Watch, 2015a; Wang, 2015; Amnesty International, 2016). The secondary receiver is the Chinese public, as human rights issues is considered to be one of the top three controversies for the Chinese public in regards to EU-China relations along which is topped by “the issue of Tibet” according to Zhung & Yu (2013). Hence, the press briefings are likely meant to reassure the Chinese public that the government is just as hard on the EU, as the EU is on China. Hence, unlike the press briefings from the EU on the HRDs, the Chinese press briefing can be argued to be both for level I and level II.

The press briefing began with the frame of practical information, comprehensively detailing who had attended the HRD (Appendix F, ll. 3-11). However, unlike the press briefing from the EU, it did not touch upon which activities the two actors would engage in besides the dialogue, suggesting that the actual HRD is considered more important than the side visits of it (Appendix E, ll. 36-39). The other major frame was the exchange of human rights concerns which covered the additional topics of environmental protection and social integration (Appendix F, ll. 11-14). Both of the topics were also mentioned in the EU's press briefing (Appendix E, ll. 8-14). However, the Chinese press briefing stated that “*the dialogue was candid, comprehensive and deep and promoted mutual understanding*” (Appendix F, ll. 13-14). This description is the most detailed of all the previous HRDs where only one or two adjectives have been employed to describe the actual dialogue those being was detailed and in-depth (Appendix D; Appendix E). The use of the adjectives, “*candid*”, “*comprehensive*” and “*deep*” clearly illustrate that from the Chinese side, the dialogue provided a window into the other actor's worldviews which is useful when promoting mutual understanding (Appendix F, ll. 13-14). The frame contains two minor frames. The first of which is the Chinese desire for the EU to update its perspective of China, as it: “*asked the EU side to fully and objectively look at China's achievements in human rights*” (Appendix F, ll. 17-20). The two adjectives “*fully*” and “*objectively*”, used by China in its request for the EU to look at its human rights achievements, are very interesting, as they demonstrate a clear sense of frustration from the Chinese over the EU and how the EU, in its opinion, fails to acknowledge Chinese

achievements. Taylor (2021) found that the EEAS diplomats repeatedly asserted how the EU interprets values and at the same time dismissed Chinese interpretations. Additionally, he suggests that this behaviour was likely motivated “*by a steadfast, tunnel- vision-like belief among diplomats about the superiority and universality of the EU interpretation of human rights*” (Taylor, 2021, p. 373). Hence, it makes sense why the Chinese would be frustrated with the EU which, according to Manners (2008), has become a self-proclaimed champion of human rights by employing international efforts to realise human rights. This criticism of the EU could be part of the reason why the 34th HRD included the line in which the EU mildly praised China for the decision to release Gao Yu, an incarcerated journalist, who had been accused of leaking state secrets to foreign media, on medical parole (Appendix E, l. 25; Pen America, n.d.). The frame of the EU needing to update its perspective on China also included the critique that the EU should “*conduct human rights exchanges with China on the basis of equality and mutual respect so as to push forward the development of China-EU four major partnerships*” (Appendix F, ll. 17-20). Hence, it also touches upon the findings of Taylor (2021) in regards to the EU's diplomatic practice and the attitudes of some of the EEAS diplomats, illustrating a lack of critical reflection. Additionally, this critique of the EU, implicitly stating that the EU fails to conduct the HRD based on equality and mutual respect, likely hit the EU hard due to its self-image and values (European Union, n.d.-c).

The last minor frame is the Chinese concerns which interestingly does not touch upon anything which is not always mentioned in the 34th HRD, covering the protection of migrations and refugees, xenophobia and religious discrimination “*in the hope that the EU side can properly make improvement*” (Appendix E, ll. 28-31; Appendix F, ll. 20–22). The quote is particularly telling, as such a statement has not before been used in any of the other press briefings. The combination of adverb “*properly*” and the modal verb “*can*” reiterates that China concerns which China also mentioned in the previous HRD, suggesting that China sees little to no improvement in this area. Additionally, the statement could also be seen as concern for 260.000 Chinese migrants living in the EU in 2015 (Parliamentary Assembly, 2015; Plewa & Stermšek, 2017).

Looking back to the macro-level element of the EU-China strategic partnership since the 33rd HRD, the EU-China Dialogue on Migration and Mobility Support, which was a three-year project from the 11th of April 2025 to the 31st of December 2018 is particularly interesting, as it directly touches upon Chinese concerns in this HRD rather than EU concerns. The project

was based in China and was meant to help the Chinese with migrant management (Appendix E-F; International Labour Organization, n.d.). During the migration and mobility support dialogue, the EU stated that it was in the middle of reassessing its own migration policy and also presented a migration agenda, emphasising legal migration and a focus on more secure borders (International Labour Organization, n.d.). The Chinese concern about the protection of migrants, expressed in the 34th HRD, makes sense, especially due to the EU refugee crisis in 2015. The concerns from China over the protection of migrants and asylum-seekers are also reiterated by humanitarian NGOs, calling for the EU to take responsibility and act in accordance with its fundamental values (Human Rights Watch, 2015a, 2015b, 2015c, 2015d, 2015e; Amnesty International, 2015b, 2015d, 2015e). Hence, the EU was facing a lot of backlash on the matter of migrants' protection, illustrating how the interests of China as a level I actor and NGOs as level II actors were aligned. Therefore, an overlap is present between China's level I and level II as well as the EU's level II. However, the EU's political strategy for level I prevented an overlap to level II. Additionally, the Human Rights Watch in its World Report for 2015 reiterated the Chinese concern over religious discrimination due to growing reports of anti-semitism in the UK, France and Germany as well as an attack at a Jewish museum in Brussels where four people died (Human Rights Watch, n.d.-d).

The EU's concerns for China also aligned with NGOs, particularly in regards to its pending security law which Amnesty International heavily critiqued as well as the Chinese use of the death penalty (Amnesty International, 2015a, 2015c). Additionally, the Human Rights Watch in its World Report for China in 2015 deeply criticised China for the detention of human rights defenders, the restriction on freedom of expression, assembly and religion as well as on women's rights and the rights of minorities (Human Rights Watch, n.d.-c). As such, the interests of the EU's level I actors appear to be most aligned with those of the EU's level II since no NGOs have called for the dialogue to be suspended.

On the 29th of June, the two actors had the 17th EU-China Summit during which migrant issues were discussed as well as human rights (European Council, n.d.-a). During the summit, the President of the European Council, Donald Tusk expressed the EU's concern for the *“freedom of expression and association in China, including the situation of the persons belonging to minorities such as Tibetans and Uighurs”* (European Council, 2015, para. 5). These three concerns were also mentioned during the 34th HRD, having been repeated from the 33rd HRD. All three directly link to articles from the UDHR. Additionally, it was decided that

the 34th dialogue would take place during the meeting as well as the second visit to China from the EU Special Representative for Human Rights during the same month as the 34th HRD (European Council, 2015). Hence, it is clear that the 17th EU-China Summit hosted numerous discussions regarding human rights and concerns for human rights which further illustrates the link between the various elements of the EU and China's strategic partnership.

A general concern which was expressed in the 34th HRD was environmental protection and human rights. It links back to the EU and China deciding to enhance their cooperation as a means to combating climate change, as mentioned in a joint statement on climate change (United Nations Climate Change, 2015). This concern of environmental protection and human rights is also shared with level II actors, such as the Human Rights Watch, which argued that the main victims of environmental harm tend to be marginalised communities which have limited opportunity to partake in the decision-making process as well as the public debate on the environmental matters (Human Rights Watch, 2012). Hence, an alignment of the win-sets between the actors on the issue of environmental protection is present.

From the ninth to the 11th of November, the EU Special Investigator for Human Rights visited China, allowing *“opportunities for the EU and China to engage in in-depth discussions on human rights at a senior level”* (EEAS, 2015b, para. 3). Hence, the visit was directly connected to the HRD, as this precise sentence is used in the EU's press briefing for the 34th HRD (Appendix E, l. 11). In the press briefing for the visit from the EU Special Investigator, the EU praised China for some of the positive development since the special investigator's previous visit, such as the Chinese *“commitment to lift an additional 70 million people out of poverty over the next five years, and the reduction in the number of crimes that can carry the death penalty”* (EEAS, 2015b, para. 3). Additionally, the EU was notified *“of the planned reform of the “hukou” system that would give residence rights to migrant workers”* (EEAS, 2015b, para. 3). Hence, China could be argued to have taken some big steps towards improving the situations which had led to several of the EU's concerns, such as the Hukou. The Hukou system had been mentioned in the 33rd HRD as a concern by the EU (Appendix D). As such, the Chinese frustration of the EU failing to recognise its improvements makes sense, which could also be one of the reasons China decided to publish its own press briefing on the 34th HRD, as the EU failed to acknowledge its improvements (Appendix E). Additionally, the EU's concern in the 34th HRD over the arrest and detention of human rights defenders and lawyers was reiterated in this press briefing. Several pending laws on security were also discussed, as

the EU argued that they could curtail the freedom of belief and religion, of association and expression and people-to-people contacts, suggesting that provisions needed to be made in order to align the pending legislation with international standards and laws (EEAS, 2015b, para. 7). These concerns were reiterated by the EU during the 34th HRD (Appendix E, ll. 14-16). Additionally, women's rights were also discussed, including the new anti-domestic violence law which was being prepared (EEAS, 2015b). Hence, it directly links back to the 33rd HRD, which has women's rights, focussing on domestic violence as a minor frame (Appendix D). In conclusion to his visit, the special investigator said: *“It is a sign of the maturity of the EU-China relationship that we are able to discuss difficult human rights issues in a frank, open and constructive way”*, hence praising the strength of the EU-China relationship (EEAS, 2015b, para. 14). Particularly, the EU special investigator's visit to China demonstrated clear links between the 34th HRD and the other elements within the EU and China's partnership in large part due to the aim of the visit. Additionally, there are more connections between the 34th HRD and the other elements in the partnership than with the 33rd HRD.

Subconclusion

The two-day HRD in Beijing covered two main frames: practical information and the exchange of human rights concerns. Within the latter frame, there were three subframes: EU concerns, Chinese concerns and general concerns. The EU brought up 11 concerns and 20 individual cases. Yet, one of the points which were brought up was the pending Chinese legislation on national security. This point in particular would likely have increased the Chinese fear that the EU is using human rights as a pretence to meddle in the domestic affairs of China (Men, 2011). Most of the points brought by both the EU and China were repetitions from the previous HRD. China brought up three concerns where one of them linked to the additional activities which the two actors had on their programme. This is very interesting, as it did not occur in the previous HRD. Additionally, the Chinese MoFA published their own press briefing for the 34th HRD on the first day of the HRD, which was described as having been *“candid, comprehensive and deep”* and had *“promoted mutual understanding”* (Appendix F, ll. 11-14). This has been the largest description of the HRDs so far and generally provided a look into how the Chinese view the HRD and their cooperation with the EU on human rights. However, the Chinese also expressed critique of the EU in regards to its lacking view of Chinese achievements within human rights and how China wished for the HRDs to be conducted based on mutual respect

and equality (Appendix F, ll. 15-20). This critique is likely to hit the EU where it hurts so say, as it directly contradicts how the EU sees itself and its own values. Several elements of the macro-level connected back to the 34th HRD in particular the EU special investigator's visit to China touched upon numerous EU concerns. However, the press briefing for the visit also held connections, linking back to the 33rd HRD due to the focus on domestic violence. Additionally, the EU-China Dialogue for Migration and Mobility Support's project for migration management in China could be seen as touching upon the general concern of protection of migrants, which was mentioned in the 34th HRD. Moreover, the both actors aligned their interest on climate cooperation. This can therefore be considered as another overlap of win-sets between the actors.

The 35th HRD

The 35th HRD took place from 22nd to the 23rd of June in 2017 in Brussels (Appendix G). The HRD did not take place in 2016, as China was in 2015 lobbying the EU to lower the seniority level of the HRDs from the level of Director to that of Deputy-Director. Hence, it would result in a reduction of the HRD's diplomatic significance (Taylor, 2022). The EU refused to lower the seniority level and informed their Chinese counterparts that the dialogue would not be taking place in 2016. However, the EU later agreed to the Chinese terms, as compliance was seen as the only way to get China back to the table. Simply, the EU had to accept a lower seniority level or accept that there would be no more HRD. Out of the two, the latter was deemed unpalatable, as the HRD is the EU's only channel for the promotion of human rights with China. Hence, the channel had significant symbolic value (Taylor, 2022). Moreover, this decision could also be seen as a symbolic gesture from the EU in order to keep the HRDs going.

The HRD employed the major frame of general information with which the dialogue both started and ended. It included information about who represented each of the two actors and which activities in addition to the HRD the actors would participate in as a part of the HRD (Appendix G, ll. 2-7, 45-49). The activities included *“a field visit to the refugee centre Bruxelles-Petit-Château on the second day”* (Appendix G, ll. 7-8). This particular visit links back to the previous HRD in which China expressed concerns about the protection of migrants in the EU. This particular tactic was also employed by China during the 34th HRD, linking back to the 33rd HRD. Hence, it suggests that it is likely a common tactic employed by the two actors as a way of either reiterating their concerns, as illustrated by how the Chinese employed in the

previous HRD, or as a way of elevating the concerns mentioned in the previous HRD by the other actor and instead showcasing that they should no longer be considered concerns, as seen in the case of the EU with this HRD. The second major frame is the exchange of human rights concerns stated that: *“The meetings allowed for candid discussions on a wide range of human rights related issues and cases of concern”* (Appendix G, ll. 8-9). The adjective *“candid”* is of particular interest, as it directly comments on the 35th HRD (Appendix G, l. 8). The adjective can be argued to be a step up from how the two previous HRDs have commented on the HRDs through adjectives, such as *“detailed”* and *“in-depth”* (Appendix D, l. 7; Appendix E, l. 11 & 13). The possible reason for upping the description of the HRD could be due to the EU's suspension of the HRDs in 2016 or due to the numerous articles by NGOs in the month and days leading up to the 35th HRD (Euractiv, 2017; FIDH, 2017; Human Rights Watch, 2017; World Uyghurs Congress, 2017). Hence, the EU wanted to show that it was still in control of the HRDs despite China having pushed for the seniority level of the HRDs to be lowered.

The frame of the exchange of human rights concerns covers discussions of *“migration and the rights of refugees, the freedom of religion and belief”* (Appendix G, ll. 14-15). The topic of migration and the rights of refugees link back to China's concerns from the previous HRD which cover Article 3 (the right to life and live in freedom and in safety), 14 (the right to seek asylum from persecution) and 25 (the right to a decent of living) (Appendix G, ll. 14-15; Amnesty International, n.d.-a, para. 16-17, 24-25 & 32-33). The freedom of religion and belief has also been touched upon in the concerns of both actors in previous HRDs and covers Article 18 (freedom of religion and belief) (Appendix F, l. 15; Amnesty International, n.d.-a, para. 26-27). Unlike the two previous HRDs, the frame of EU concerns is a major frame which covers 31 lines (Appendix G, ll. 10-41). The EU brought up 21 individual cases which covered categories, such as *“political prisoners, human rights lawyers, [...] Tibetan activists, writers and religious figures who face criminal charges or have been imprisoned for exercising their right to freedom of expression”* (Appendix G, ll. 27-38). Additionally, the EU brought up nine concerns where five of them were repetitions from previous HRDs. The remaining four points included: *“system issues in the criminal justice system, the deteriorating situation for civil and political rights in China, detention and conviction of human rights defenders and lawyers; and the implementation of China’s Foreign NGO Activity Management Law”* (Appendix G, ll. 10-21). The two first concerns are rather abstract in nature which make them difficult for China to improve. The point of *“the detention and conviction of human rights defenders and lawyers”*

was mentioned twice, and the second time, the EU went into depth with their expectations (Appendix G, ll. 11-12, 21-26).

“The expectation of the European Union, as reiterated in the Dialogue, is that all individuals detained in connection with their advocacy of human rights be released from custody, that they should be allowed to be represented by a lawyer of their choosing, be given the possibility of meeting their family members, have access to appropriate medical assistance when required, and have allegations of their mistreatment promptly investigated” (Appendix G, ll. 21-26).

While the EU concerns are not directly covered by Articles of the UDHR, it can be argued to touch upon Article 8 (the right to seek justice if their rights have been violated) and 25 (right to a dense life and to medical treatment) (Amnesty International, n.d.-a, para. 20-21 & 32-33). The last of the four points is *“the implementation of China’s foreign NGO activity management law”* (Appendix G, ll. 17-18). By directly commenting on a Chinese law, it is likely to fuel the Chinese fear of the EU, using human rights to meddle in China's domestic affairs (Men, 2011). Unlike all previous HRD press briefings, no Chinese concerns were mentioned which is strange, as it is highly unlikely that the Chinese would not bring up any of their concerns for the human rights situation in the EU. China has traditionally focussed on concerns regarding religious discrimination (Appendix D-E).

Looking back to the macro-level connection between the 35th HRD and the other elements of the EU-China strategic partnership, both the seventh EU-China High-Level Strategic Dialogue and the 19th EU-China Summit directly mentioned the two actors' collaboration in order to combat climate change. It can be argued to link back to the 34th HRD where a general concern was environmental protection and human rights (Embassy of the People's Republic of China in the Republic of the Philippines, 2017; Appendix E; European Council, n.d.-c). During the summit, human rights were also discussed. The President of the European Council, Donald Tusk *“expressed our concern about freedom of expression and association in China, including the detention of human rights lawyers and defenders, as well as the situation of minorities such as Tibetans and Uighurs”* (European Council, 2017, para. 7). These concerns were also reiterated by the EU during the 35th HRD, hence showcasing a clear red thread between the EU-China Summit and the 35th HRD. Additionally, Tusk mentioned that the HRD would take place later that month (European Council, 2017). Despite

the connection to the 34th HRD due to the focus on climate change, the EU-China Summit was the only connection to the 35th HRD on the macro-level. It makes sense given that the EU suspended the dialogue with China, and until a resolution was reached, any discussion of human rights would not be seen as beneficial.

The concerns brought up by the EU for China are similar to those of NGOs, such as the Human Rights Watch, which in 2017 published its World Report for China, bringing up concerns for the Chinese inadequate freedom of expression and the detention of human rights defenders (Human Rights Watch, n.d.-e). However, there were several points which the EU did not bring up, such as concerns for the freedom of religion, women's rights or the rights of members of the LGBTQIA+ (Human Rights Watch, n.d.-e). Hence, it suggests that the interests of the EU and humanitarian NGOs are to some degree aligned in regards to China. However, the 35th HRD did not mention any concerns from China for the EU, which does not align with the interests of the Human Rights Watch, which in its World Report for the EU in 2017 brought up several concerns, including protection of migrants' rights and discrimination (Human Rights Watch, n.d.-f). As previously mentioned, numerous NGOs called for the EU to resume the suspension of the HRDs (Euractiv, 2017; FIDH, 2017; Human Rights Watch, 2017; World Uyghurs Congress, 2017). Hence, it is clear that interests of humanitarian NGOs are multifaceted, as they both aligned with the concerns brought up by the EU and also did not align with the EU due to their different view on whether or not to resume to suspension of the HRD (Euractiv, 2017; FIDH, 2017; Human Rights Watch, 2017; World Uyghurs Congress, 2017; Taylor, 2022; Human Rights Watch, n.d.-f). As such, there is a clear misalignment between the interests of the level I actors and the level II actors, causing conflict amongst them. Compared to the two previous HRDs, this is the first time where there is a clear misalignment between the interests of the level I and level II actors rather than alignment.

Subconclusion

The two-day HRD occurred in 2017. There was a pause in the HRDs in 2016 due to the two actors' struggle over the practical side of the HRDs, particularly regarding the seniority level of the HRDs. China wished to lower it which the EU was initially against, as it would also lower the diplomatic significance of the dialogues. However, in the end, the EU decided to compromise, as having China at the table was better than the alternative (Taylor, 2022). This can be seen as a mutual compromise between the two actors, allowing for negotiations to

continue. The press briefing had three major frames, which is unlike the previous HRDs that only had two. In the 35th HRD, the EU concerns became a major frame, as they filled most of the press briefing, taking up 31 lines. While most of it were concerns mentioned in previous HRDs, four concerns were new, which covered abstract concerns which China would have a difficult time improving. The remaining two points covered the Chinese law on foreign NGO activity and the detention of human rights lawyers and defenders. The latter was mentioned twice and greatly detailed while not directly touching upon Articles of the UDHR. The former is very interesting, as it also occurred during the previous HRD, and it is likely to fuel the worry of the Chinese government that the EU is employing human rights to infer in their domestic matters (Men, 2011).

The other elements within the EU-China partnership were only directly linked to the HRDs through the mention of strengthening the EU and China's collaboration on combating climate change which links back to the 34th HRD. Additionally, only the EU-China Summit in June of 2017 mentioned human rights and some of the EU's concerns which likely was due to the fact that the EU had suspended the dialogue with China given its push for the HRDs to have a lower seniority level. As such, mentioning or discussing human rights could be seen as making an already tense situation worse. Additionally, the interests of the level I actors and the level II actors did not match as well in this HRD, as they did in the two previous, illustrated by a disagreement regarding whether or not to resume the suspension of the HRD and the fact that no concerns for the EU were brought up despite the Human Rights Watch in its 2017 World Report having brought up several concerns.

The 36th HRD

The 36th round of the HRDs was held in Beijing on the ninth and 10th of July 2018. Similar to the previous HRDs, it started and ended with the frame of general information. The start specified the programme for these two days which “*allowed for candid discussions on a wide range of human rights related issues in China, the possibility of future cooperation on issues related to business and human rights, disability rights and the status of women*” (Appendix H, 11. 3-5). There is a repetition of the adjective “*candid*” from the 35th HRD, which describes the HRD. As such, it could be argued that the 36th HRD was one based on sharing truths and opening up about issues of a difficult or painful nature. Additionally, the possibility of future cooperation within business and human rights, disability rights and the status of women are

discussed by the two actors. By highlighting this possibility, it indicates several areas in which China and the EU believe that they would be able to reach enough of an understanding in order to collaborate with each other which could suggest areas where overlapping win-sets are possible. Additionally, this is the first time that the idea of collaboration on the macro-level on matters of human rights was mentioned in the HRDs. It is therefore possible to argue that the original purpose of the HRD is getting fulfilled, as it indicates that through the HRDs, the actors are able to overcome their differences and further their cooperation on human rights (Men, 2010). As mentioned in table 2 and 3, China and the EU have ambition for greater trade collaboration and market access to each other's areas. Hence, it could be due to the two actors' mutual trade interests. The quote further mentions "*the status of women*" which makes it difficult to find out to what exactly they are referring to given the abstract wording (Appendix H, 1. 5). However, previous HRDs have had frames connected to women's rights, which included the visit to the police station in Brussels for domestic abuse victims in 33rd HRD and to the "*Research centre for Women's human rights at the China Women's University*" (Appendix E, ll. 38-39). Therefore, the mention of collaboration with a focus on women could indicate it to be a successful aspect of the HRDs, as it is moving from visit to actual collaboration. The mention of "*disability rights*" can be considered a new subframe within the larger frame of human rights exchange as disability rights can be connected to Article 25 (*The right to a decent standard of living, including food, clothing, housing, medical care and social services*) (Appendix H, 1, 5; Amnesty International, n.d.-a). However, it is difficult to pinpoint the exact disability rights it is specifying. Lastly, the mention of possible collaboration within human rights aligns both with the purpose of the HRDs and the larger frame of human rights exchange which occurs during the HRDs (Men, 2010). Moreover, besides business, all other mentioned possibilities fall within the area of human rights. As such, it is interesting why business is brought up. However, it could also be due to business possibly being combined with one or more of the other mentioned human rights areas in the collaboration, as for China, economic development precedes the pursuit of human rights, hence making collaborations more manageable for the two actors with this combination (Zhu, 2011). Additionally, Kaya (2014) argues that the EU views economic development and the pursuit of human rights as interconnected endeavours. Hence, it suggests that by combining human rights with economic development, it might make it easier for the two actors to collaborate.

However, this HRD does stand out compared to the previous HRD, as it does not have any scheduled visit. There is not a reason given for it in the briefing. However, the previous

side visits were within areas where the EU and China's interests overlap and also had a connection to the areas which are mentioned for further collaborations, such as women's rights as seen with the visit to the police station in Brussels (Appendix D). Therefore, as there were no visits scheduled during this HRD, it could be argued to go against the statement of further collaboration. However, it is crucial to mention that the lack of information on the HRD limits our understanding of why the visit did not occur, such as if it did not occur due to a separate reason. In another perspective, considering that this HRD was held in China, it could indicate a resistance from China to this HRD, as it breaks the norm depicted in the other HRDs. China has been known to show obstruction to the HRDs, as a sign of dissatisfaction with the EU's approach to conducting the HRDs (Taylor, 2022). However, as the HRDs are orchestrated by the EEAS in agreement with China, it is, therefore, difficult to argue that the obstruction is entirely due to China. Additionally, the days when this HRD took place were also “*the third anniversary of the arrest and detention of more than 300 human rights lawyers and defenders*” (Appendix H, 11. 16-17). The EU has previously in the HRDs as well as during this HRD asserted its dissatisfaction with the arrest and detention of human rights defenders in China by bringing up individual cases (Appendix H). According to Taylor (2022), the Chinese delegates view it as a sense of great disrespect when individual cases are brought up during the HRDs. Additionally, it is seen as the EU meddling in China's internal affairs which in turn furthers China's fear that the EU uses human rights to infer within its domestic affairs. Counterproductively, it fuels the Chinese obstruction of the HRDs (Taylor, 2022). Therefore, it is difficult to imagine that China wanted to hold the HRD on those days, knowing their vocal complaints about it. As such, it could be argued that since the EEAS orchestrates the HRD that it is a strategy for keeping control of the HRDs (Kaya, 2014).

The EU also praises China for “*poverty alleviation, job creation and reforms to the social safety net*” (Appendix H, 1. 6-7). These praises most likely stem from reports that came out in 2018 which stated that China had dropped its poverty rate to below 1.7% (As cited in Liu et al., 2020). This connects back to the former EU concern for the Hukou system and adequate housing in the 33rd, the 34th and 35th HRD (Appendix D-E, G). By praising China, it showcases that the EU is aware of the efforts that they are making to improve their human rights record and the concerns mentioned by the EU. Notably, it is also mentioned that there has been “*recent development*” on migration issues and the protection of fundamental rights for the EU, however, whether the developments are positive or negative is not mentioned (Appendix H, 1. 7). The EU also acknowledged China's actions within political and civil rights,

emphasising that equal action should be given to political and civil rights (Appendix H). The International Covenant on Civil and Political Rights (ICCPR) is discussed with a particular emphasis, as China has not yet ratified it (Appendix H; Jiang, 2014). The ICCPR is a multilateral treaty, which obligates each country that has signed and ratified it to respect and protect civil and political rights of individuals (United Nations Human Rights, 1966). The ICCPR lists 53 Articles that cover a wide range of rights and was adopted in 1966 and entered into force in 1976 (United Nations Human Rights, 1966). While China has signed the ICCPR, it has yet to ratify it (Jiang, 2014). Ratifying the ICCPR would mean officially adopting the Articles presented in the ICCPR and legally agreeing to protect them (Jiang, 2014). This means that China is not legally bound to uphold the Articles of the ICCPR even though it has signed it. The critique of the political and civil rights in China was further emphasised by the EU highlighting 31 individual cases, including cases for detention of human rights lawyers, Tibetans and Uighurs. Additionally, it mentioned concerns over the freedom of peaceful assembly and religious beliefs (Appendix H). These cases are affected by Articles 2, 9, 18, 19 and 20 in the UDHR (Amnesty International, n.d.-a).

Moreover, a new subframe was introduced, aligning with the frames concerning the rights of people belonging to minorities as EU raised “*re-education camps*” in the Xinjiang area as a concern (Appendix H, 1. 47). More than a million Muslims from the Xinjiang area have been detained within the re-education camps since 2017 (Maizland, 2022). The camps have been described as a means of genocide, as involuntary sterilisations have occurred (Maizland, 2022). These camps go against Article 2, 9 and 13 from the UDHR (Amnesty International, n.d.-a). China brought up concerns regarding the protection of migrants and asylum-seekers as well as fundamental rights (Appendix H, ll. 8-10). However, these concerns are reiterations of previous Chinese concerns, and as such, they will be discussed further. Lastly, issues were brought up in accordance with the frame of general concerns through the mention of human rights in the international fora and the implementation from human rights bodies, as China has an upcoming Universal Periodic Review in November of 2018 (Appendix H). The Universal Periodic Review is a measure of the Human Rights Council of the UN in which every 4.5 years each UN MS’s human rights records are reviewed (OHCHR, n.d.). Through this review, the council can report violations of human rights and recommendations for how to improve them (OHCHR, n.d.). Considering the human rights violations that the EU has raised as concerns during this HRD, this review is critical for China to prove the status of their human rights accusations. If the results of the review are that China has a lot of

improvements to be made within Human Rights, it would align with the accusations and as such produce a negative image of China's actions within its human rights. However, as Zhu (2011) argues that the respect China as a country has for human rights is intrinsically connected to the level of the country's development, a negative review could lead to China having a negative self-image regarding the level of its development as a country.

During 2018, there were only three macro-level elements, with two of the elements being connected to the issues brought up in the 36th HRD (Appendix C). The first occurred before the HRD, which was the seventh High-Level Economic and Trade Dialogue (European Commission, 2018). This dialogue links to the HRD by mentioning “*both sides agreed to exchange market access*” (European Commission, 2018). This could be an indicator of the business cooperation which was mentioned in the HRD, as with the HRD coming after this statement, it further reiterates the intention for collaboration, emphasised in the Economic and Trade dialogue. However, due to there only being three macro-level elements in 2018, the elements which took place after the HRD were also looked at unlike previous HRDs, where the focus was on the elements from the previous HRD until that HRD. The second macro-level occurred after the HRD which was a Joint Statement Reaffirming EU-China Commitment to the Paris Agreement (United Nations Climate Change, 2018). In this statement, it is stated that “*leaders also expressed their joint support for other important areas like human rights, trade and foreign and security cooperation*” (United Nations Climate Change, 2018, para. 7). This statement aligns with the possible areas for corporations that are highlighted in the HRD. Due to this focus on furthering the cooperation between the EU and China in 2018, it showcases that their interests are overlapping within these areas, and that both actors had a desire to strengthen their cooperation with each other. As most of these cooperation links to human rights issues, it can therefore be argued that China and the EU are establishing cooperation within human rights considering their different views.

For the issues presented during this HRD, level II actors align with the level I actors on the re-education camps. A month after the HRD, the UN Committee on the Elimination of Racial Discrimination expressed concerns over the re-educations camps in Xinjiang, stating: “*the State party had turned the Xinjiang Uyghur Autonomous Region into something that resembled a massive internment camp shrouded in secrecy, a “no rights zone”, while members of the Xinjiang Uyghur minority, along with others who were identified as Muslim, were being treated as enemies of the State based on nothing more than their ethno-religious identity*”

(OHCHR, 2018). These sentiments were shared by EU MS, such as Germany, which saw the situation as unacceptable (Marques, 2019). The Human Rights Watch also issued reports on the situation, highlighting that the situation is akin to the cultural revolution that occurred in 1966 and 1976 in China (Human Rights Watch, 2018). The cultural revolution was a result of Mao Zedong's accession to power in China where he used his power to cleanse the Chinese society of capitalist or traditional aspects of the Chinese society in order to assert his power (Phillips, 2016). The report by the Human Rights Watch also noted the struggle in holding China accountable for these human rights violations due to its position on the UN Security Council (Human Rights Watch, 2018). By having a permanent seat on the UN Security Council, it affords China with the ability to dismiss any international action or sanctions, targeting China or any with which it is not in agreement with (Human Rights Watch, 2018). From the Chinese side, it has been difficult to find evidence for Chinese opinions on the matter of the re-education camps. The only indicator is reports of the people of Xinjiang fleeing the area after the camps were established (Marques, 2019). This indicates that the people of Xinjiang are showing resistance to this matter, therefore, showcasing a misalignment between interest of level I and level II actors in China. However, the Xinjiang government revised the law which makes the re-education camps appear legal by labelling them as “*vocational skill education training*” camps (Westcott & Xiong, 2018). Through this label, the camps are allowed to teach about “common” society and anti-extremist ideologies. Therefore, a problem arises in fully defining where the actors' actions lie, however, it is clear from the people of Xinjiang that they are against the situation, even if their government is appearing to make it appear legal. This is the first time there is an apparent misalignment between China's level I and level II, suggesting a more complicated relationship on the matter. Moreover, there is a clear misalignment between the interests of China on level I and the EU on level II in regards to the re-education camps. However, the EU on level I is not following the demands of its level II actors, making the EU on level I more aligned with China on level I despite the EU raising the re-education camps as a concern in the HRD.

Subconclusion

The 36th HRD briefing showcased a different structure compared to previous HRD briefing (Appendix H). The lack of a visit could indicate frustrations between the EU and China relationship on the effectiveness of the HRD, however, as the EEAS is a part of orchestrating the HRD, China cannot be completely blamed for the obstruction of the HRD having no side

visits. The briefing also highlighted possible areas of collaboration within business, human rights, disability and the status of women. Hence, it indicates that the original purpose of the HRD is working. There are two new subframes to the overall human rights exchanges frame: these being the ratification of the ICCPR and re-education camps in Xinjiang. The ratification of ICCPR is a point of tension between the EU and China considering how much value the EU puts into the civil and political rights. The re-education camps in Xinjiang can also be seen as a point of tension considering how both Germany and the Human Rights Watch have condemned the camps, classifying them as an act of genocide (Human Rights Watch, 2018; Masquers, 2019). This also indicates a misalignment of interest between level I and level II actors on the EU side as well as for China on level I and level II actors, making it the first time where there is such a clear misalignment for the two actors in regards to level I and level II.

The 37th HRD

The 37th HRD occurred in Brussels, from the first to the second April of 2019. The structure of the press briefing follows that of the previous HRDs, with general information at the start and the end, illustrating the frame of general information. In terms of adjectives, a new adjective is used to describe the programme for the two days as allowing for “*open discussions*” on issues, such as “*the rights of the child, business and human rights and counter-terrorism*” (Appendix I, ll. 5-8). By switching to using the adjective “*open*”, it can be argued that it symbolises a discussion without any judgement. However, given the history of conflict between the two actors, it is unlikely that a discussion on human rights could occur without judgement (Baker, 2002; Schabas, 2009; Men, 2011; Kaya, 2014; Taylor, 2021, 2022). Additionally, the transition from using detailed to open could also be argued to mean that the discussions were more surface-level rather than in depth as previously hinted by the use of the adjectives “*detailed*” or “*in depth*”, suggesting less of a need for the discussion to be detailed, as the actors were aware of the misalignment between their prioritisation of human rights (Appendix D, l. 7, E, l. 11 & 13). However, the more surface-level discussions could also be due to some kind of obstruction which had resulted in the discussions not yielding more depth.

China mentioned the new subframe of AI by highlighting the EU's recent developments within AI and new technologies (Appendix I). There are no descriptions of the development, therefore it is hard to say whether these developments are positive or negative based on the briefing. Since the previous HRD in 2018, the EU had launched two different plans in regards

to AI (European Commission, 2019a, 2019b). In December of 2018, the European Commission launched a coordinated plan on AI through the project AI4EU (European Commission, 2019a). This project involves 79 research institutes in 21 countries with the focus on building a platform for AI resources, which would help support users in how to implement AI processes throughout their products (European Commission, 2019a). Five months later in April of 2019, the European Commission published ethical guidelines for trustworthy use of AI (European Commission, 2019b). The guidelines emphasised principles of transparency and respect of fundamental rights in order to ensure that AI usage in the EU remains within the ethical and lawful dimensions (European Commission, 2019b). The establishment of ethical guidelines for AI aligns with the EU's political approach to always include consideration for human rights in all of their activities. This development within AI also aligns with how the EU depicts their interest within human rights, as they want to become more competitive in the area (Grieger, 2023).

Similar to the 36th HRD, this briefing also mentioned two new areas of further cooperation within “*the rights of the child*” and “*counter-terrorism*” (Appendix I, ll. 5-8). These two areas can be considered as two new subframes under the larger frame of human rights exchange. Interestingly, a switch seemed to have occurred from the previous HRD where “*the status of women*” was a focus towards children instead (Appendix H, l. 5). The reason behind this focus is unclear, as no further details are given on the matter. However, both actors have signed and ratified the United Nations Convention on the Rights of the Child could be a reason for this HRD's focus on children (Verdoot et al., 2024). The counterterrorism frame aligns with earlier frames of the protection of freedom of religion and belief, the rights of persons belonging to a minority as well as the re-education camps in relation to Xinjiang (Appendix D-H). This counterterrorism appears as a concern from China due to how it views its actions in Xinjiang. Foreign Ministry Spokesperson Hua Chunying clarified that China actions with the camps are counterterrorism measure as:

“Xinjiang has set up vocational education and training centers in order to root out extreme thoughts, enhance the rule of law awareness through education, improve vocational skills and create employment opportunities for them, so that those affected by extreme and violent ideas can return to society as soon as possible and live a normal and happy life” (Ministry of Foreign Affairs of the People's Republic of China, 2019).

Therefore, any concerns from the Chinese delegation on the human rights issues in Xinjiang were seen as acts of counterterrorism compared to the view by international NGOs as means of genocide (Marques, 2019). From the EU side, the camps are still referred to as re-education camps, therefore, highlighting a point of contention between the two actors on the issue. The EU does remark that:

“While offering supervised visits to the region to international journalists and foreign officials is a positive step, the European Union expects China to also allow meaningful, unsupervised and unrestricted access to Xinjiang for independent observers, including for the UN High Commissioner for Human Rights and UN Special Procedures (Appendix I, ll. 54 - 58).

This quote highlights how the EU is still trying to engage in discussions on the matter even if they disagree on whether or not the camps are human rights violations. This is an indication of how the EU is still trying to cooperate with China despite a difference of opinion between the two. However, this remark would likely fuel the Chinese fear of the EU interfering in its internal affairs (Men, 2011). Despite the EU praising them for the visit, the use of the noun “*expects*” can be argued to place the EU as the morally superior of the two. Therefore, this speaks to the EU attempts to keep their position in human rights through NPE (Kaya, 2014).

Unlike the previous HRD, it had scheduled talks with civil society organisations, however, the Chinese delegation did not participate in these talks and instead visited the NGO, for The Society Against Violent Extremism Belgium (S.A.V.E. Belgium) (Appendix I; Cicero Project EU, n.d.). The NGOs focuses on preventing violent extremism, such as extremist ideologies and radical narratives (Cicero Project EU, n.d.). Notably, the adjective “*meaningful*” is used in accordance with the description of the talks with civil society organisations, however, China's visit to S.A.V.E Belgium described without any adjectives or other descriptors. This could be interpreted as a bias from the EEAS since the EU wants to appear in control of the HRDs, and these talks would help restore that image (Kaya, 2014). Therefore, it could be argued that these talks are highlighted as meaningful to seem better than the Chinese delegation visit to S.A.V. E Belgium. By not attending the talks with the civil society organisations, it does align with China's previous behaviour of obstructing the HRDs (Taylor, 2022). However, it can be argued that this attempt is a far more direct way of showing dissatisfaction with the HRDs compared to earlier, as most of the obstructions have occurred within the planning phase

of the HRDs and not during the actual HRD. It is also highlighted that S.A.V.E. Belgium is an NGO “(...) *working on the prevention of radicalisation*” (Appendix I, 1, 63). Considering that China is particularly focused on counterterrorism in this HRD, this visit could be a way to reaffirm to the EU that what is occurring in Xinjiang is counterterrorism.

Four out of six macro-level elements share a connection to the 37th HRD. These elements are China Vice Foreign Minister Consultation at EU, the 21st EU-China Summit: Rebalancing the strategic partnership, Joint Statement of the 21st EU-China Summit and the third EU-China Legal Affairs Dialogue (Mission of the People's Republic of China to the European Union, 2019; European Commission, 2019c, 2019d; European council, 2019). The joint statement and summits all focus on reforming or rebalancing the relations between the EU and China (Appendix C). By having this focus through three separate macro-level elements, it portrays a sense of instabilities in the relations between EU and China, therefore, leading them to need to reaffirm their relations. The focus of this reaffirming centres on multilateralism and international law, as the actors promised to “*Commit to uphold the UN Charter and international law, and all three pillars of the UN system, namely peace and security, development and human rights*” (European Council, 2019). This could be an indication to the dispute in Xinjiang, as it is often depicted by NGOs to break multiple human rights issues (Human Rights Watch, 2018).

The reaffirmation of the EU and China’s strategic relationship causes concerns for the alignment between level I and level II, as NGOs have been severely vocal on their concerns for the camps in Xinjiang. This is clear through a Human Rights Watch report from 2019 which details a letter from 13 NGOs, urging the EU to suspend the HRD due to the violations (Human Rights Watch, 2019). Considering that the HRDs are still ongoing to this day, it highlights a clear discrepancy between level I and level II interests. This is interesting to consider in terms of the win-sets between each level, as there is clearly a discrepancy, however, it could be indicative of the EU making a symbolic gesture towards China.

During the third EU-China Legal Affairs Dialogue, one of the key areas of discussion was AI (European Commission, 2019d). They discussed several aspects, such as best practices and initiatives considering the safeness of AI and the continued challenges that the actors faced with AI (European Commission, 2019d). Considering how much discussion takes place between the EU and China, it highlights how important this area is to both actors which our

discussion of their interest also shows (Table 2 & 3). Since these discussions took place during the Legal Affairs Dialogue, it could be argued that the actors are keenly aware of making sure the legal ramifications behind usage of AI are in the clear, as both actors share a high interest in the area. Considering the heavy discussion of the topic, it could indicate that this might become an area of collaboration between the EU and China, however, as discussed earlier, the EU and China have both expressed interest in becoming a leader within AI (Grieger, 2023; Dreyer, 2025). Therefore, it might actually become an area of contention between the two rather than one of collaboration. Notably, there was no mention of further collaboration within the area which can further prove that this is an area where the two actors see themselves as rivals.

Subconclusion

The 37th HRD's key issues focused on the counterterrorism claims from China's delegation in regards to Xinjiang. This counterterrorism acted as a new subframe for the larger frame of the human rights exchange (Appendix I). This HRD also differentiated itself from previous, as each actor attended their own visit. The EU had scheduled talks with civil rights organisations, and China instead visited S.A.V. E Belgium (Appendix I). The two visits clearly highlighted the tensions between the two actors on the issue of Xinjiang, as S.A.V.E Belgium is an organisation which focuses on radicalisation, hence aligning with China's views of its action in the Xinjiang region as counterterrorism. It is clear from the briefing that while the EU showed its disapproval of the camps in Xinjiang. However, it is still important for the EU to continue its strategic relationship with China. This is further emphasised through the three macro-level elements which focuses on the EU reaffirming its relationship with China. However, this strategy brought out a misalignment between level I and level II, as NGOs have heavily criticised the EU continuation of the HRD with China. Moreover, this HRD depicts a new frame through the mention of AI, which was also discussed during the Legal Affairs Dialogue. AI is an interesting area in regards to the EU and China's strategic relationship, as both actors have ambition to become a leader within it which could result in conflicts rather than cooperation on the matter.

The 38th HRD

The 38th HRD took place in Brussels on the 17th of February in 2023 which differentiates it from the other HRDs which took place over two days. Additionally, there was a gap of four

years between the previous HRD and this HRD due to the COVID-19 pandemic. The press briefing reiterates many of the same subframes which were mentioned in previous HRDs. The adjective used to describe the dialogue has changed back to “*in-depth*” (Appendix J, l. 5). This adjective was also used to depict the discussion during the 34th HRD (Appendix E). The switch back to in-depth could be due the fact that it has been four years since the last HRD. As such, there likely was a need for deeper conversation on the issues in order to catch up on each actor's developments within human rights. The key issue in the previous HRD is also prevalent here, such as EU concerns for fundamental freedoms, the right to peaceful assembly, forced labour and the limitation within due process right. However, new aspects were added to the discussion within the HRD, such as a new subframe in regards to the “*effectiveness of international human rights mechanisms, particularly the UN human rights Treaty Bodies and Special Procedures in monitoring, reporting and advising on human rights from a country-specific or thematic perspective*” (Appendix J, ll. 23-25). This effectiveness of the UN human rights bodies could be argued to illustrate the tensions surrounding the human rights issues which remained ongoing, such as the matter of the re-education camps in Xinjiang. In 2019, China claimed to have closed the re-education camps, however, journalists and independent research have found that mass detention is still happening in Xinjiang (Maizland, 2019). Both the EP and OHCHR have criticised the human rights situation in Xinjiang, taking a hardline stance towards the camps and the involvement of the Chinese government (Embassy of the Republic of China in the Kingdom of Belgium, 2022; OHCHR, 2022). Therefore, this continuation of discussing the situation in Xinjiang could prompt discussions from China to discuss the effectiveness of the Human rights bodies. The EU emphasised that “*no country should refuse scrutiny of its record and actions on human rights. The EU also underlined the need to support and preserve the independence of the Office of the High Commissioner for Human Rights*” (Appendix J, ll. 25-27). Even though this frame is discussed in the briefing as a general issue, it is still evident that the EU stands behind the human rights bodies. The EU also emphasises to China that it should follow the recommendation from the OHCHR report, as it detailed 11 human rights situations in Xinjiang (OHCHR, 2022). Moreover, The EU also highlights 40 individual cases in concern for the Xinjiang issue (Appendix J). The EU also reiterates its stance on human rights and development by emphasising that “*It also reaffirmed that the full respect for human rights is a pre-condition to achieve sustainable and inclusive development, economic growth and prosperity*” (Appendix J, ll. 20-21). By reaffirming this, it also is a reminder to China in consideration to further negotiations on collaboration that while the EU wants to continue collaboration within economic growth, it still disapproves of its human rights view. This frame

also links directly to the 36th HRD, as it mentioned the possibility of future cooperation within business. This reaffirmation also goes against what Kaya (2014) argues, as she argues that the EU is hesitant and inconsistent in enforcing its value-based approach. However, this quote clearly highlights that the EU still centres on equal human rights in their approach to economic growth. China reiterated its previous concerns for the treatment of refugees and migrants, and xenophobia in the EU (Appendix J).

Lastly, two of the previous HRDs' subframes were combined into one in this briefing which was "*the protection and promotion of women and children*" (Appendix J, ll. 28-29). This combines subframes depicted in the 33rd, 36th and 37th HRD (Appendix D, H, I). This subframe can be argued to have been of high importance as instead of a visit after this HRD, there was an "*exchanges of views with civil society, covering a range of human rights issues*" (Appendix J, ll. 57-58). Within this exchange of issues, the actors agreed to visit a centre for victims of sexual assaults in Belgium and also agreed to host an event together a month later focussing "*Fostering Women Entrepreneurship in the Technology and Digital Sectors*" (Appendix J, ll. 29-30). This event focus on the multiple factors that hold women back within the digital sector. Female entrepreneurs, academics and NGO representatives were there to share their experience and best practices in the tech and digital tech sectors (United Nations, 2023). However, this was not the only macro-level element outside of the HRD, as a programme between the EU and China as well as UN women, which is an entity for gender equality and the empowerment of women, was launched titled "*Women in Motion*" (EEAS, 2023b). This programme centres on career development for women in Guangdong province in China (EEAS, 2023b). By having these two events and programmes centring on a similar area within human rights in the same year, it showcases firstly that the EU and China view women and children's rights as highly important but also it proves this as an area where both actors can cooperate. It is notable that the two women rights events both centre around the economic development of women within technological industries (United nations, 2023; EEAS, 2023b). As such, it could be argued that the reason for this is China's focus on economic rights within human rights but also as a way for China and EU to foster their economic relations with each other while pursuing human rights (Kaya, 2014).

An additional macro-level element has a connection to the HRDs in 2023 which is the EU-China summit in 2023. Through this summit, the EU "*engage(d) with China following a period of intensified bilateral contacts and dialogues*" (European Commission, 2023). These

bilateral conflicts can both be argued to be the issues in Xinjiang but also freezing of the CAI which occurred in 2021 (Ni, 2021). During this summit, the EU also reiterated many of the issues present in the HRD that year, such as the human rights issues in Xinjiang and the release of human rights defenders (European Commission, 2023). During the summit, both actors also agreed to continue the HRD to next.

For this HRDs, there is an interesting dichotomy in regards to interest, as it both showcase an area where the interest of actors in level I and II both are aligned and misaligned. The women's rights event is a clear indication of overlapping win-sets, allowing for the event to happen. It is also interesting, as the women's rights events were creative solutions which combined trade, an area in which the EU and China have had tensions in the past, and women's rights which they clearly have aligned on in the past. However, on the other hand this HRD also showcases how the EU still pushes for a value-based approach even in economic discussions with China.

Subconclusion

The 38th HRD was the first HRD after the Covid-19 pandemic and as such, it required an in-depth discussion of all the areas previously mentioned in the HRDs but also some new ones. Two new frames were presented in the briefing which surrounded the discussion of the effectiveness of human rights bodies and events within women and children's rights (Appendix J). The discussion of human rights bodies stem from China due to it perceiving the EU as involving itself in the Chinese internal affairs in Xinjiang despite China having publicly announced that the re-education camps were closed. Yet, reports from the OHCHR and the EP showcase that the camps were not closed and still employed for mass-detainment of people (Maizland, 2022). For the frame of women and children's rights, it is clear that it is an important frame within the HRDs due to its repeated mention throughout the HRDs and the two events organised for it in 2023, focussing on it (Appendix, E, G-J).

The 39th HRD

The 39th HRD took place on the 16th of June 2024 in Chongqing (Appendix K). Similar to the 38th HRD, the agenda and programme was described as “*in-depth*” (Appendix K, l. 4). The adjective is very fitting, as the briefing for this HRD is a whole page longer than previous HRD. Therefore, it indicates that the EU and China had several areas in which they needed to discuss

in detail (Appendix K). The briefing mentioned all of the frames from previous HRD, and discussed possible cooperation: “*in the multilateral framework on economic social and cultural rights, business and human rights, climate change and human rights, women and children rights, as well as the rights of persons with disabilities*” (Appendix K, ll. 72-74). During this HRD, new concerns were mentioned, particularly in regards to already established frames. The EU raises the issues in regards to Article 2 and 19 (freedom from discrimination and freedom of expression) but also includes “*women’s and LGBTI rights*” (Appendix K, 9-10). Women's rights have been mentioned in previous HRDs, however, it has not been described directly in line with discrimination (Appendix E, G, H & J). LGBTQIA+ rights are also a new addition and can be considered a new subframe under the larger frame of the human rights exchange (Appendix K). The EU has in the past been vocal about LGBTQIA+ rights, as it is illegal to discriminate based on sexual orientation, as detailed in the EU Charter on Fundamental Rights. Additionally, the EU has a strategy for LGBTIQ Equality Strategy, illustrating the EU considers the rights of the LGTBQIA+ community as human rights (European Commission, n.d.-j). On the other hand, China has conducted a crackdown on LGBTQIA+ centres, organisations and festivities (Liang, 2023). In 2023, Pride was also cancelled, and the largest LGBTQ organisation, ShanghaiPride ceased its operations (Liang, 2023). Therefore, it could be argued that the mention of the rights of the LGTBQIA+ are due to the crackdown on these rights from China.

Another new subframe is that of the death penalty in which the EU “*urged China to introduce a moratorium on the death penalty and asked China to provide transparent data related to its use of capital punishment*” (Appendix K, ll. 12-13). A moratorium depicts a legal suspension of a given activity or a temporary delay of activity (Merriam-webster, n.d.). The mention of a moratorium and the provision of data can be seen as the EU making harder demands to China. This could indicate an attempt to keep the high ground in the HRDs and be perceived as the leader within human rights (Kaya, 2014).

Akin to the 38th HRD, there was both an exchange of views. However, in the 39th HRD, this exchange occurred with the “*Chinese Academy of Social science and the Beijing of Technology in Beijing*” (Appendix K, ll. 76-77). Hence, combining the exchange of views from the 38th HRD with a visit which occurred in the HRD from 2014 to 2018. Although the briefing does not detail what the exchange concerned, it likely was connected to human rights and technology or trade due to the particular university which participated in this exchange of

views. A visit also took place to Tibet in which delegates visited “schools, municipalities, cultural and religious sites, relocated Tibetan families, as well as to a prison” (Appendix K, l. 80 - 81). It is highlighted that the visit met many of the requests from the EU, suggesting that China might have accommodated many of the EU’s requests as a means of improving its view of China (Appendix K).

The 39th HRD - The Chinese perspective

A day after the 39th HRD, the Chinese delegation published their own briefing on the HRDs (Appendix L). This is the second time that China has published its own briefing, hence indicating that something might have occurred which caused it to have the need to publish its own accords of the HRD. The briefing shares a similar structure to the EEAS' briefing, with general information first, detailing the participants of the HRD (Appendix L). It then dives into China's human rights philosophy, which will be considered as a new subframe under the larger human rights exchange frame. First, the philosophy of the CCP is detailed, by stating that:

“Communist Party of China stays true to the fundamental purpose of serving the people wholeheartedly, takes the people's aspirations for a better life as its goal, and constantly realizes, safeguards and develops the fundamental interests of the broadest majority of the people. Always putting the people front and center with the belief that a happy life for the people is the most important human right, China has found a path of human rights development that meets the trend of the times and suits its national conditions, and made historic achievements in the human rights cause. China is promoting the great rejuvenation of the Chinese nation on all fronts through Chinese modernization and will further raise the level of human rights protection in this process” (Appendix L, ll. 8-15).

The quote illustrates a contradictory depiction of China compared to how it is often depicted in the EEAS briefing, by highlighting that the happiness of its citizens is central to the government as well as its development strategy. These aspects connect back to the Chinese view of human rights, as it argues that economic development comes before human rights instead of economic development being prioritised afterwards, like with the EU (Men, 2011, Kaya, 2014). Considering that none of the EEAS press briefing has detailed the philosophy of China’s human rights vision, it makes more sense why the CCP published this briefing to give its accords of the HRD (Appendix D-E & G-K). China depicts their concern for the EU's

meddling in their internal affairs by stating that: *"China opposes politicizing the human rights issue, applying double standards, imposing one's own model on others, using the human rights issue to interfere in China's internal affairs, and engaging in confrontation and "megaphone diplomacy" on multilateral platforms"* (Appendix L, ll. 18-21). Using metaphors, such as *"double standard"* and *"megaphone diplomacy"*, not only sets the briefing apart from the EEAS' press briefing, as the language in this is descriptive. The briefing also helps to establish how China feels during participation of the HRDs which link back to scholars, who found that the HRDs appear to be more symbolic than productive due to the obstruction that occurs within them Geeraerts, 2019; Men, 2021). Moreover, the briefing emphasises the *"affairs of Xinjiang, Xizang and Hong Kong and judicial cases are purely China's internal affair, which brook no external interference"* (Appendix L, l. 34- 35). Thereby, it further reiterates their dislike for interference in their internal affairs. Similarly to the EEAS, the Chinese briefing does not explain the EU view of human rights, therefore, making the paper feel less objective and more like a personal letter to the EU.

There were no macro-level elements which highlighted the issues, pertaining to the two briefings for the 39th HRD, as most of them focused on further collaboration within the green transition and research (Appendix C). Considering two-level game theory, these two briefings just further prove the mismatch of interest within the human rights area in regards to Level I. In regards to level II, the only new development is the mention of LGBTQIA+ in the EEAS' press briefing. LGBTQIA+ rights are highly regarded within most NGOs, such as the Human Rights Watch and Amnesty, as both have web pages dedicated to LGBTQIA+ rights (Amnesty international, n.d.-c). Therefore, a misalignment between China's level I actions and EU's level II actors. Furthermore, the EEAS briefing showcases the second misalignment between actors for China's level I and level II, as the closing of the festivities surrounding pride in China, was due to a crackdown from the government.

Subconclusion

For the 39th HRD, both China and the EU presented briefings, detailing the discussion in the HRD, which both paint a very different picture of the dialogue. The EEAS briefing emphasises many of the previous HRDs' concerns and frames but also added new concerns from the EU on death penalty and women's rights, by mentioning LGBTQ+ rights (Appendix K). The briefing from China details its personal philosophy within human rights, a depiction which the

EEAS have never covered (Appendix L). Through their frames of philosophy, it depicts China as a nation that prioritises the happiness of its citizens but also places economic development before human rights development (Appendix L). There are also no new macro-level elements that connect with the new sub-frame, as many of the elements are related to climate transition and research. Moreover, there is a mismatch with the interest between the EU and China on LGBTQ+ rights, highlighting other areas where there is misalignment.

Discussion

All press briefings contained the same major frames of practical information and the exchange of human rights concerns which illustrate a similar set-up for all of them (Appendix D-L). Within the frame of the exchange of human rights concerns, two minor concerns were found: Chinese concerns and EU concerns where the latter remained the largest of the two. This structure was repeated through all HRDs except the Chinese MoFA's press briefing for the 34th and the 39th HRD as well as the EEAS' press briefing for the 35th HRD. The Chinese press briefing for the 34th and the 39th HRD did not mention any EU concerns, whereas the 35th HRD did not mention any Chinese concern. Additionally, the 35th HRD had the EU concerns as a major frame rather than a minor (Appendix F, G & L). Hence, the majority of the HRDs have provided both actors with the opportunity to raise their concerns about the other actor's human rights situation and actions, illustrating that a sense of mutual respect and equality to be at the core of the HRDs which could be argued to be a vital part of why the HRDs have continued until today despite the two actors' shifts between conflict and cooperation as well as the external pressure from the actors on the second level (Appendix H-K; Wong, 2013; Human Rights Watch, 2023, 2024, 2025). Due to the mere fact that the two actors have been able to continue their dialogue about human rights for 30 years, the HRDs themselves can only be discussed as successful given the two actors' different approaches to human rights (Men, 2011; Kaya, 2014; Taylor, 2021, 2022). This is further established during the 33rd HRD, as both actors reaffirmed that the promotion and protection of human rights are integral aspects of their partnership. Additionally, they both agreed to deepen their exchanges on human rights, which showcases a mutual interest and desire to continue their human rights exchanges (Appendix D). This reaffirmation can also be considered a symbolic gesture from both parties in order to align their distinct win-sets in regards to human rights. However, China in its 34th HRD press briefing called for the EU to “*conduct human rights exchanges with China on the basis of equality and mutual respect so as to push forward the development of China-EU four major partnerships*”

(Appendix F, ll. 18-20). By doing so, it likely hit the EU hard due equality and mutual respect being its core values, which the Lisbon Treaty from 2009 constitutionally required the EU to incorporate into all parts of its relations with third countries (European Union, 2010; European Union, n.d.-c). However, China did leave the door open for developing their partnership despite its frustration with how the EU conducted the HRDs which suggests that the economic gain from their partnership outweighs the frustration and discomfort China has towards the HRDs.

The Chinese frustration is further visible in the 36th HRD where no side visits were planned despite it occurring in every HRD. With the event occurring in China, it could suggest a sense of resistance by China to the HRD (Appendix H). Taylor (2022) found that China has previously obstructed the HRD to illustrate its disapproval with the EU's approach to the HRDs. Yet, in this case, the obstruction can be argued to be the EU's, as it is its EEAS department which orchestrates the HRDs and the side visits which are agreed upon by both actors. Additionally, the Chinese frustration with the EU is also visible in the 37th HRD where China decided to not participate in the scheduled talks with civil society organisations and instead decided to visit the S.A.V.E. Belgium, which works with the prevention of radicalisation and extremist ideology (Appendix I; Squaris, n.d.). The adjective "*meaningful*" was used about the scheduled talks with civil society organisations, whereas China's visit to S.A.V.E. Belgium was described without adjectives, suggesting a bias from the EU, as it indicates that the talks with the civil society organisations were 'better' than that with S.A.V.E. Belgium (Appendix I, ll. 60-64). This bias is likely based in the EU's need to be in control of the HRDs, as the EU is somehow tied to the HRD, and the HRD is a vital part of the EU's external image as civilian or normative power (Baker, 2002; Maull, 2005; Kaya, 2014). China not attending the scheduled talks can be seen as an extension of its previous behaviour, which Taylor (2022) suggests obstructed the HRDs by creating a hostile environment for the promotion of human rights. However, Taylor (2022) found the Chinese obstruction generally occurred during the planning phase of the HRDs rather than the actual HRD which is what occurred in the 37th HRD. Hence, it suggests that Chinese obstruction, to use Taylor's (2022) word, goes beyond the planning phase and into the 'extra activities' phrase of the HRD, which feeds into the EU mindset of China as the main impediment to the effectiveness of the HRD delivery (Taylor, 2022). However, during the 39th HRD, there was a side visit to Tibet in which China accommodated the majority of the EU's requests regarding the elements of the trip (Appendix K). This accommodativeness of China could be due to China wanting the EU to 'update' its image of China in part due to the EU having mentioned the rights of the people in Tibet as a concern in

every HRDs since 2014. Additionally, the desire for the EU to ‘update’ its image of China links back to the Chinese press briefing for the 34th HRD in which China accused the EU of holding upon an old image of China and the human rights situation in China. The EU’s obstruction, however, occurs in the negotiation phase due to its ineffective diplomatic practices which reinforce European interpretations of values and dismiss Chinese perspectives. Hence, these practices illustrate a completely uncritical and unreflective belief in the human rights interpretations by the EU which didactically informs the EU’s approach and ultimately undermines rather than strengthening the normative power of the EU with China (Taylor, 2022).

Where the main frames remain the same throughout the HRDs, the minor frames change, illustrating the changing of the focus of the HRDs. In the 33rd HRD, the minor frame was women's rights, focussing on domestic violence (Appendix D). The 36th HRD contained the minor frames of disability rights and the rights of minorities (Appendix H). In the 37th HRD, the minor frames were the rights of the child and counterterrorism (Appendix I). The 38th HRD contained the minor frames of the effectiveness of international human rights mechanisms and full respect for human rights as a precondition for achieving sustainable and inclusive development, economic growth and prosperity (Appendix J, ll. 20-21). In the Chinese MoFA 39th HRD, it contained the minor frame of the philosophy of the CCP (Appendix L). Lastly, the 39th HRD contained the minor frames of death penalty and LGTBQIA+ (Appendix K). On the topic of LGTBQIA+ rights, there is a clear misalignment between China on level I and level II due to the recent Chinese crackdown on LTGBQIA+ events. Additionally, this misalignment expands to China on level I and the EU on both level I and level II, as the EU and humanitarian NGOs consider LGTBQIA+ rights as human rights and work to promote and protect them (Amnesty international, n.d.-c; Appendix K).

While the themes of women and children's children are recurring within the HRD, it suggests that they are considered important to both actors. The EU and China in the 36th and in the 39th HRD directed mentioned the possibility of collaborating on the *“business and human rights, climate change and human rights, women and children's rights and the rights of persons with disabilities”* (Appendix H; Appendix K, ll. 72-74). The possibility of collaboration between the two actors on the aforementioned areas illustrate the areas in which the EU and China have reached a sufficient understanding of each other for them to be able to collaborate. Additionally, the original purpose of the HRD is for the EU and China to share their views on

human rights in order to promote understanding rather than confrontation and conflict (Men, 2010). Hence, by discussing collaboration between the two actors on the matter of women's rights, it can be suggested that this original purpose is getting fulfilled. As such, it can be argued to go against scholars to argue that the HRDs have not produced any tangible outcomes, as the HRDs is fulfilling its mission statement of improving understanding between the two actors (Baker 2002; Schabas, 2009; Geeraerts, 2019). Without understanding, the two remain stuck in a cycle of conflict and confrontation from which the EU and China wished to move away and instead towards cooperation and collaboration (Men, 2010).

It took the EU and China from the 36th HRD in 2018 until the 38th HRD in 2023 before the two actors created actual collaboration through the events: “*Fostering Women Entrepreneurship in The Technology and Digital Sectors*” and “*Women in Motion*” (Appendix J; EEAS, 2025). The first event held within the margins of the 67th session of the UN Commission on The Status of Women and focuses on the numerous factors holding women back in the digital sector. As a part of the event, female NGO representatives, entrepreneurs and academics shared their experience working within the digital sector as well their best practices within the technological and digital sectors (United Nations, 2023). The event combined the focus of women's rights with economic development within the digital sector which is an interesting combination, as Kaya (2014) suggests that the EU sees the pursuit of economic development and human rights as interconnected matters which cannot be sequenced. Additionally, in China, economic development is seen as preceding the pursuit of human rights (Zhu, 2011). As such, the combination of both economic development and the pursuit of human rights makes sense both from an EU and a Chinese perspective. This interconnectedness between economic development and the pursuit of human rights is also visible in the macro-level EU-China programme, “*Women in Motion*”. While the programme, unlike the former event, was not mentioned in the 38th HRD, it does, however, directly touches upon human rights in the form of women's rights. The programme focuses on the career development of women in Guangdong province in China (EEAS, 2023). Hence, it is clear due to the number of events and programmes within a year which centres on the rights of women, that it is an area in which the two actors can cooperate. The shared focus on the economic development of women in the technological and digital sectors as well as the fact that these are the only events and programmes, which the EU and China have been able to collaborate on in regards to human rights further illustrates that this interconnectedness between economic development and human rights is a vital aspect of the two being able to successfully collaborate

(Zhu, 2011; Kaya, 2014). This can therefore be considered as one of the causal mechanisms that connect the events of the HRDs to the negotiation process present in the HRDs. Additionally, it also goes against the findings of Mattlin (2012), who argues that poor outcomes at the macro-level is due to the EU prioritising its material interests over its values, as our findings suggest that it is easier for the EU and China to successfully negotiate to the point of creating actual macro-level outcomes if economic interests are connected to those of human rights. This collaboration on the events also indicates that the two actors' win-sets overlap, as the EU and China are aligned throughout the HRDs from 2014 to 2024 in regards to women's rights. Additionally, there is no misalignment between the actors on level I and level II on both sides in regards to the issues of women's rights and economic rights, further supporting that the EU and China's win-sets overlap. According to Putnam (1988), these events can then be argued to be part of successful negotiations in the HRDs.

During the HRDs, there was another successful overlap of win-sets in regards to the Migration and Mobility Support project between the EU and China (IOM, 2019; International Labour Organization, n.d.). Migration issues had been a continuous concern from China towards the EU during the HRDs. Therefore, this project showcases the EU commitment to taking migration issues seriously even though the project focuses on migration in China, such as regular and irregular migration. Additionally, another overlap of win-sets is seen in the discussion surrounding climate cooperation, making it an area in which successful outcomes can occur, as both actors share strong interests within combating climate change (Liu et al., 2023; European Council, n.d.-a). There have been no physical events as a result of the HRDs concerning climate cooperation, however, it has been a continued element which has been mentioned throughout their macro-level cooperation from 34th HRD and onwards (Appendix C). These two areas can therefore be considered as areas where in the future successful negotiations can occur. However, within the area of AI, the strong interest of China to become a leader and the competitive approach of the EU, which prioritises competitiveness over sovereignty, is likely to result in conflicts rather than cooperation (Center for Security and Technologies, 2020; Grieger, 2023). The macro-level elements portrayed in connection to the 37th HRD highlight how the EU and China's discussions around the ethical and legal aspect of the HRD are incredibly important to them (European Commission, 2019d). Furthermore, it is one of the few areas in which the EU and China do not state that they want to collaborate further which supports the possibility of it being a conflict area.

During the seven HRDs published by the EEAS, the EU has repeatedly brought up individual cases, a practice strongly opposed by China which considers it as interference in its domestic affairs as well as being disrespectful (MoFA, 2014; Taylor, 2022; Appendix D-L). Additionally, the level I strategy of raising individual cases directly infers the negotiation, hence minimising the size of the win-sets. However, for the EU, it is a means of putting pressure on China regarding these cases, hence impacting the human rights situation in China (Schabas, 2009; Men, 2010). Despite how raising individual cases is perceived by China, the EU has been successful in affecting the outcome of some of the cases it has raised, such as the case of Gao Yu, a journalist and advocate for freedom of the press, who was released on medical parole between the 33rd and the 34th HRD after having been mentioned by the EU in the 33rd HRD. Yet, she remains under a travel ban, preventing her from leaving China (Appendix D-E; Front Line Defenders, n.d.-a). However, it is far too simplistic to attribute the entirety of the Chinese changing their mind in regards to offering Gao Yu medical parole to the EU mentioning it in the HRD, particularly as the EU has brought up Ilham Tohti, a Uighur professor and intellectual, who has been imprisoned since 2014, in every HRD since his imprisonment without his circumstances changing (Appendix D-L; Front Line Defenders, n.d.-b). Hence, raising individual cases is not a guaranteed way of improving the individual's situation but it is a more direct way to ensure that pressure is placed on China regarding the case. The EU has had an impact in several cases which it has raised, such as the case of Liu Xiaobo, an intellectual, writer and Nobel Peace Prize winner in 2010, who has been mentioned by the EU from the 33rd HRD to the 35th in 2017. He was released on medical parole in June of 2017 due to a terminal cancer diagnosis and later died in July of 2017 (Front Line Defenders, n.d.-c; Appendix D-G). Another example is Pu Zhiqiang, who was one of China's earliest and most renowned human rights lawyers, who was brought up by the EU in 2014. He was released from detention in December of 2015 after having been sentenced for three years, suspended for three years meaning he would not serve any prison time. However, due to his sentence, Pu Zhiqiang remains unable to practice law (Front Line Defenders, n.d.-d; Appendix D). Additionally, Wang Yu, a human rights lawyer who had defended several high-profiled human rights cases, such as Ilham Tohti and feminist activists, was brought up the EU in 2015 during the 34th HRD, as she had been placed in detention on a charge of 'subversion of state power'. She was released on bail in 2016 after having given a confession in which she criticised her fellow human rights lawyers for being motivated by frame or greed and blamed overseas activists for using defenders of human rights as a means of tarnishing the reputation of the Chinese government. Her confession was later televised on Chinese state media which has become a tactic of the

Chinese government in order to try and discredit human rights lawyers (Fifield, 2015; Front Line Defenders, n.d.-e; Appendix E). However, Wang Yu was mentioned again in 2019 during the 37th HRD by the EU due to her being detained by the authorities, and afterwards she was placed under house arrest. Yet, little is known about her situation besides that she remains under constant surveillance by the Chinese authorities and is banned from leaving China (Appendix I; Teon, 2019; Churchill, 2021; International Service for Human Rights, 2022). While the EU is not the only reason for China revisiting its previous decision on these cases, there are, however, simply too many cases in which China has altered its decision for it to be a coincidence. Yet, it would also be too simplistic to attribute the entirety of China changing its decision on the EU putting pressure on China, as numerous NGOs have also been calling for the release of human rights defenders, such as Ilham Tohti (Campaign for Uyghurs, 2024; Holder, 2024). However, the raising of individual cases is a means for the EU to have an impact on their Chinese counterparts' perception of human rights and as such, it is very unlikely that the EU would seize with bringing up individual cases regardless of how it is perceived by their Chinese counterparts (Baker, 2002; Schabas, 2009). Hence, it is clear that for the EU, raising individual cases is perceived as a mostly successful tactic, a view which is not shared by China.

Since the 36th HRD in 2017, the EU has brought up concerns over the situation in Xinjiang, where according to China, it is conducting a counterterrorism strategy against Muslim Uyghurs (Appendix H-K). However, this is not the view of the EU nor of humanitarian NGOs where the latter has classified the re-education camps in Xinjiang as a means of genocide due to forced sterilisation of the detainees (Marques, 2019). China has officially spoken out and stated that the camps are focused on vocalisation and education training (Westcott & Xiong, 2018). The EU, on the other hand, has kept referring to it as re-education camps which illustrates a misalignment between the EU on level I and level II, as level II actors have demanded that the EU employ more meaningful measures against China and until such a time that the EU is willing or able, the NGOs have called for the HRDs to be suspended (Appendix H-K; Human Rights Watch, 2018, 2019, 2023, 2024). A misalignment between China's actors on level I and level II is also visible through the situation in Xinjiang, as there have been reports of people fleeing the area (Marques, 2019). This is one of the few times that a misalignment is visible between the interests of level I and level II in China. Therefore, the continued cooperation between the two actors is interesting and can even be argued to be a symbolic gesture to their partnership, as they want to continue cooperation despite the previously mentioned backlash as well as the misalignment of values and interest.

Conclusion

It has been 30 years since the EU and China in 1995 decided to include a Human Rights Dialogue to their partnership, as they both acknowledged to have vastly different views on human rights. The aim of the HRDs is to share their respective views on it and work to find a better way to communicate regarding it rather than allow for conflict and confrontation to arise over their difference of human rights (Men, 2010). From the beginning of the HRD, scholars have argued that the HRDs have not produced any macro-level outcomes (Baker, 2002; Schabas, 2009; Men, 2011; Kaya, 2014). However, our interest in the HRDs began, as we discovered that scholars might have simplified the lack of outcome for the dialogues, as we found two macro-level outcomes, stemming from the HRDs. This curious outcome led us to our research question: *How do the EU and China negotiate within the EU-China Human Rights Dialogues?* Said research question aimed to uncover which elements of the HRD's negotiations are successful in themselves, which are not and which areas are open for further corporations. Additionally, it aimed to provide insights into the complex dynamics of the EU and China's continued negotiations over human rights. Utilising process tracing, discourse analysis and two-level game theory, this thesis found that the EU and China negotiate in the HRDs by discussing concerns through three subframes: General concerns, EU concerns and China's concerns. From these frames, several areas became evident in which collaboration between the two actors would be possible. These areas being, women's rights, migration, climate cooperation. Additionally, the EU and China's successful negotiation led to two macro-level outcomes in the form of events of "*Fostering Women Entrepreneurship in the Technology and Digital Sectors*" and "*Women in Motion*" (Appendix J; EEAS, 2025). The causal mechanism which can explain how these events are to take place is that the EU and China are more likely to collaborate on human rights when economic interests are included in the collaboration. This finding goes against scholars, who have argued that the HRDs have not achieved any tangible macro-level outcomes due to the EU's prioritisation of its material interests over its values (Baker, 2002; Schabas, 2009; Kaya, 2014). Additionally, we found that the HRDs also have a symbolic function for the partnership between the EU and China which is evident in the case of Xinjiang where there were misalignments between all actors on both level I and level II. Hence, it further illustrates the complexity of the relationship between the EU and China. By moving beyond the sharing of their views on human rights to actual collaboration on human rights, we argue that the HRD is fulfilling its original aims. Combined with the events, it can be considered as successful negotiations by both actors. Yet, despite this accomplishment, we

discovered that both actors on level I employ strategies which hinder meaningful discussion and negotiation. The EU brings up individual cases despite being aware of how it is perceived by their Chinese counterparts as internal inference. China, on the other hand, obstructs the HRDs by not attending the scheduled visits and instead made their own agreement for visiting to a NGO whose interests were aligned with theirs. Hence, the EU obstruction occurs in the actual negotiation phase, whereas the Chinese obstruction occurs in the visit phase of the HRDs. This finding supports Taylor (2022), who likewise found that the EU obstruction occurs in the negotiation phase. Further research is required to provide an equal analysis of both actors' actions during the HRDs, as there is limited data on China's actions during the HRDs from a Chinese perspective.

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