

Statement Before the  
Congressional Executive Commission on China

Hearing on the  
“CECC at 20: Two Decades of Human Rights Abuse and Defense in China”

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Distinguished Commissioners, fellow witnesses, and guests, it is an honor to be a part of today's hearing. I also want to thank Senator Merkley and Representative McGovern for their leadership and service on this commission.

My main focus today will be on China's ambitions in the international human rights system. Unfortunately, as China has grown in wealth, power, and international influence over the past three decades, it has used its rise to undermine international human rights instruments rather than support them. There are three particular points I want to emphasize. First, under Xi Jinping an emboldened Chinese Communist Party (CCP) is on the offensive in the international human rights system as it actively working to dilute UN human rights procedures and norms. This trend has become particularly evident over the last five years as the PRC has begun introducing UN human rights resolutions intended to propagate China's human rights views, assumed more of a leadership role among illiberal nations, marshalled protective statements for other repressive governments, and subjected UN experts who seek to hold China accountable for its human rights violations to bombastic vitriol. Second, although China's more assertive posture presents challenges, there remain a number of strengths within the UN system. Third, as my recommendations demonstrate, there are important contributions the U.S., in partnership with other nations committed to human rights and democracy, can make to uphold and strengthen the international human rights architecture.

### Beijing's Human Rights Assault

There are multiple layers and components to China's drive weaken the UN's human rights system and assert its own vision globally.

First, China is not only part of a coalition of nations drawn primarily from the Global South as well as Russia that collectively acts to constrain the international human rights regime but has begun organizing and leading this group. In the Human Rights Council (HRC), this group of nations, which goes by the generic moniker, "The Like-Minded Group" (LMG) has come to number roughly 50 nations.<sup>1</sup> What these nations are like-minded about is advancing a regressive human rights vision that downplays civil and political rights and prioritizes sovereignty over international monitoring even in cases of gross human rights violations. While China has consistently been a member of this group since it first emerged in the UN Commission on Human Rights in the late 1990s, it previously avoided a prominent leadership role until 2012 when it began delivering statements on behalf of the group in the HRC.

The LMG, which includes a number of autocracies, impairs the UN human rights regime in multiple ways. These nations form a base of support that Beijing has relied on to secure adoption of several Human Rights Council resolutions that advance its regressive human rights

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<sup>1</sup> Rana Siu Inboden, *China and the International Human Rights Regime: 1982-2017* (Cambridge: Cambridge University Press, 2021), 73.

views, its national prerogatives and even Xi Jinping's political slogans.<sup>2</sup> This coalition also acts as a mutual defense network that reflexively shield each other from human rights scrutiny. This behavior corrodes UN procedures that were meant to hold nations accountable for their human rights abuses. For example, in 2018 Belarus exploited the Universal Periodic Review (UPR) to state that China should "Continue to promote participation, integration and the sharing of development benefits by vulnerable groups."<sup>3</sup> The use of the word "continue" and the amicable wording portrayed Beijing's existing policies in a positive light despite credible and extensive reporting about repression of ethnic minorities, particularly Tibetans and Uyghurs. In turn, when Belarus was reviewed by the Council in 2021, China stated that it "supported the achievements of Belarus in protecting human rights and its efforts to maintain its independence, sovereignty, security and development."<sup>4</sup> Cumulatively, these kinds of statements during the UPR from the LMG forms a chorus of praiseworthy or soft-ball comments, even for rights-violating countries, that drowns out expressions of concern from liberal democracies. Moreover, the LMG undercuts the effectiveness of the UN human rights system by resisting the use of "country-specific" human rights monitoring, including the appointment of special procedures, special sessions and resolutions even though human rights abuses often occur along national lines.

Beijing mobilizes many of these countries to prevent and deflect attention on its human rights record, particularly its genocidal campaign against ethnic Uyghurs and its strangling of Hong Kong's democracy. In this vein, the PRC recruited over 60 countries to sign a letter addressed to the UN High Commissioner for Human Rights urging her not to release a report that ultimately verified and corroborated reports of mass detention, state control, and repression of Uyghurs. Over the last several years each time nations committed to democratic values and human rights jointly expressed concern about Xinjiang and Hong Kong, the PRC mobilized a swath of like-minded nations to come to its defense.<sup>5</sup> In 2020 when Germany delivered a statement at the UN on behalf of 39 concerns that expressed concerns about Hong Kong and Xinjiang, Cuba offered a statement signed by 45 countries defending China's record in Xinjiang, and Pakistan delivered a statement that supported China's actions in Hong Kong that was joined by 55 nations.<sup>6</sup> Earlier this fall, when a resolution on Xinjiang was introduced in the

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<sup>2</sup> Rana Siu Inboden, "China and Authoritarian Collaboration," *Journal of Contemporary China* Volume 31, Issue 136, 505-517.

<sup>3</sup> United Nations General Assembly, "Draft report of the Working Group on the Universal Periodic Review, China" December 26, 2018, UN Doc. A/HRC/40/6.

<sup>4</sup> UN General Assembly, "Draft report of the Working Group on the Universal Periodic Review, Belarus," January 4, 2021, UN Doc. A/HRC/46/5.

<sup>5</sup> In addition, to China's reaction to the German-led statement, in 2021, after Canada delivered a joint statement on behalf of 44 nations, including the U.S., that expressed deep concern about the treatment of Uyghurs, China mobilized a statement in the HRC that was delivered by Belarus and signed by 65 countries that defended China's human rights abuses.

<sup>6</sup> "Statement by Ambassador Christoph Heusgen on behalf of 39 Countries in the Third Committee General Debate, October 6, 2020," Permanent Mission of the Federal Republic of Germany to the United Nations, June 10, 2020, <https://new-york-un.diplo.de/un-en/news-corner/201006-heusgen-china/2402648>

Human Rights Council by the United States, Canada, Denmark, Finland, Iceland, Norway, Sweden and the United Kingdom, the resolution failed with 17 nations voting for, 19 voting against, and 11 registering abstentions.<sup>7</sup> Among the 19 nations voting against the resolution, 11 have affiliated with the LMG.<sup>8</sup> Although many of the PRC's supporters appear to be motivated by a sense of developing world solidarity, the PRC is known to engage in vigorous pressure and inducements, including using its economic power, to secure votes. In turn, China is steadfast in protecting its autocratic allies and opposing "country-specific" human rights monitoring of their own abuses. For example, during the HRC's special session on Iran last month, China tried to stymie the creation of a fact-finding mission by introducing a poison-pill amendment to the resolution.<sup>9</sup>

Many of these nations have supported the resolutions in the HRC that Beijing has introduced over the last five years. This has allowed China to coopt the Council as a forum to propagate China's regressive human rights vision rather than advance accountability for rights abuses states and protection for human rights victims. Beijing has secured passage of resolutions that protects repressive states over individual human rights victims, prioritizes claims to sovereignty over universal human rights, and favors anemic and diversionary "dialogue" over robust accountability for states. The extensive insertion of some of Xi Jinping's favored slogans also indicates that the PRC seeks to use HRC resolutions to extend the CCP's ideational influence abroad.<sup>10</sup>

China also seeks to intimidate and dissuade other actors from drawing attention to its human rights violations. In particular, Beijing's diplomats have employed hyperbolic language to counter attention from the UN's Special Procedures system, which is comprised of independent experts who investigate, report on and draw attention to a variety of human rights abuses. Because of their independent status and the wide variety of human rights topics they cover, this part of the human rights system is often considered to be particularly effective. In response to the repression of Uyghurs, Hong Kong protestors and Chinese human rights lawyers, the independent experts serving in the Special Procedures system have responded with strongly-worded joint statements, including a 2020 statement signed by over 50 mandate holders and a 2022 statement joined by over 40 of these experts. China reacted by slandering and criticizing mandate holders by name and pushing for changes to the Special Procedures that would curtail the autonomy of these experts to speak out against human rights abuses.<sup>11</sup>

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<sup>7</sup> "51st regular session of the Human Rights Council: Resolutions, decisions and President's statements," UN Human Rights Council, <https://www.ohchr.org/en/hr-bodies/hrc/regular-sessions/session51/res-dec-stat>

<sup>8</sup> Among those voting to shield the PRC from being held accountable were Bolivia, Cameroon, Cote d'Ivoire, Cuba, Eritrea, Gabon, Indonesia, Kazakhstan, Mauritania, Namibia, Nepal, Pakistan, Qatar, Senegal, Sudan, United Arab Emirates, Uzbekistan and Venezuela.

<sup>9</sup> Emma Farge, "China fails to weaken Iran motion before UN rights body," *Reuters*, November 24, 2022.

<sup>10</sup> Inboden, "China and Authoritarian Collaboration," 510-517.

<sup>11</sup> See, for example, "Chinese Mission Spokesperson Refutes the Smears by Certain Special Procedure Mandate Holders," Permanent Mission of the People's Republic of China to the UN in Geneva, [http://geneva.china-mission.gov.cn/eng/ryrbt/202206/t20220610\\_10701825.htm](http://geneva.china-mission.gov.cn/eng/ryrbt/202206/t20220610_10701825.htm) and Rana Siu Inboden, "China and the United

These *ad hominem* attacks should also be viewed against the context of China's behavior in the UN that has become increasingly aggressive where Beijing's actions go beyond normal diplomacy as it uses bullying and intimidation.<sup>12</sup>

This destructive behavior is not limited to the UN's Geneva-based bodies but extends to other parts of the United Nations. In particular, China has misused its seat on the UN's Economic and Social Council's (ECOSOC) NGO Committee to thwart civil society participation in the United Nations by stonewalling the applications of a number of civil society groups seeking UN consultative status. This status enables NGOs to participate in UN activities and meetings, host side events, gain access to observing sessions in person and speaking at UN events and meetings. China, along with other LMG countries, has actively blocked applications from civil society organizations working on human rights, including NGOs working to combat abuses perpetrated by China's authoritarian allies, such as North Korea, Russia, and Iran.<sup>13</sup> Between 2016 and 2019, LMG countries were responsible for blocking the applications of almost 1,000 NGOs, with Beijing being the leader in effectively vetoing NGO applications.

### Challenges, Accomplishments and Opportunities

Over the last twenty years, China has amassed economic power and global political influence that provide it with new tools to obstruct and undermine the international human rights regime. Moreover, after years of focusing primarily on avoiding resolutions on its record, China is no longer content with merely playing defense, and is now pairing its efforts to weaken the international human rights system with transnational repression that targets human rights activists overseas and utilizes illicit influencing campaigns in other countries in an attempt to forestall open discussion and debate about China. These developments present new challenges to the U.S. and other nations committed to the ideals of freedom and democracy.

At the same time, the U.S. can point to some accomplishments. Over the last twenty years, American efforts to nurture civil society in China has helped spawn activists and groups that tenaciously seek to engage with the UN. Cao Shunli, the human rights defender who died in police custody in 2014 (after attempting to attend a training event in Geneva) is emblematic of this drive. Even when they cannot engage directly due to concerns about safety and security, many of these China-based advocates provide information to civil society groups overseas who are then able to disseminate reporting to a wider, international audience.

The United States must be cognizant that there remain important avenues to bolster the international human rights system and that American engagement matters. Energetic and

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Nations Special Procedures: Emerging Threats to the Human Rights System's 'Crown Jewels,'" manuscript submitted to the Special Issue project "Power shifts and international organisations: China at the United Nations".

<sup>12</sup> Human Rights Watch, *The Costs of International Advocacy: China's Interference in United Nations Human Rights Mechanisms*, (New York: Human Rights Watch, 2017).

<sup>13</sup> Rana Siu Inboden, "China at the UN: Choking Civil Society," *Journal of Democracy*, Volume 32, Number 3 (July 2021): 124-135.

inventive U.S. diplomacy at the UN and other multilateral institutions can make a meaningful difference. The independent human rights experts who serve in the treaty body and special procedures system remain a bright spot in the UN human rights system, and have actively used press releases, joint statements, decisions and reports to highlight China's human rights violations.<sup>14</sup> Moreover, while the CCP has sought to repudiate the universality of human rights norms, the remarkable protests that sprang up across China last month demonstrate that these ideals resonate deeply with the Chinese people. These opportunities form the basis of my recommendations below.

#### *Proactive engagement with the UN.*

Even as we recognize some inadequacies of the UN Human Rights Council, including the lack of membership criteria, the U.S. should not only remain involved with the Council but should increase its engagement in Geneva. Retreating from the Council only served China's interests, and enabled it and other autocrats to fill this vacuum. It is not surprising that we now see a mushrooming in authoritarian influence and collaboration in these bodies. Instead, a vigorous presence in Geneva will position the U.S. and our allies to push back against China's attempt to hijack the Human Rights Council. For example, in 2022, when China introduced a resolution titled "Realizing a Better Life for Everyone," that was full of blandishments and Chinese slogans, resistance from the U.S. and a range of other countries forced China to withdraw the resolution. A more proactive posture in Geneva that includes paying diplomatic attention to smaller states on the HRC and seeking out their views will also help the U.S. regain credibility. While China has sought to debilitate from within, the U.S. needs to think about strengthening from within.

#### *Bolster Resources and Expertise.*

In contrast to the PRC, which devotes considerable staff time to lobbying in Geneva and developing expertise on the rules and diplomacy of the Council, the U.S. State Department has failed to adequately staff and support the U.S. mission on Geneva. The U.S. must exceed efforts by China and other members of the LMG, including Cuba, which have not only allocated significant staff resources but have encouraged their diplomats to do multiple tours in Geneva, enabling them to master UN rules and procedures as well as diplomatic lobbying of other HRC member states. This imbalance in resources and expertise enables China to secure votes for its initiatives and to protect itself from scrutiny, even demonstrating that it can mobilize votes in less than 24 hours.<sup>15</sup>

#### *Divide the Like-Minded Group.*

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<sup>14</sup> For example, see UN Office of the High Commissioner for Human Rights, "China: Human rights defenders given long jail terms, tortured—UN expert," press release, June 28, 2021, <https://www.ohchr.org/en/press-releases/2021/06/china-human-rights-defenders-given-long-jail-terms-tortured-un-expert>.

<sup>15</sup> Human Rights Watch, *The Costs of International Advocacy*, 88.

The U.S. government should pursue a two-pronged approach toward the LMG. First, the U.S. should try to draw countries away from this grouping. Although a number of the countries are some of the most severe human rights violators, such as Belarus, not all of the countries in the LMG fit neatly into the autocratic camp but rather align with this group partly out of a sense of Global South, residual anti-imperialist solidarity, rather than a zeal for authoritarian practices. Some of these countries could be described as “swing states,” such as India and Indonesia. India’s LMG role in particular has been disappointing, especially since it contrasts with its more favorable developments such as its participation in the Quad with the US, Japan, and Australia. The U.S. State Department should put it on the bilateral agenda with these swing states that their affiliation with the LMG is not helpful, and undermines human dignity. Moreover, bolstering civil society and even journalists in some LMG countries to enable them to monitor their own government’s behavior in Geneva will be key to shifting the behavior of their governments in the UN.

*Build a regionally diverse group of nations.*

While the other liberal democracies coming from the Global North are some of America’s natural allies and a transatlantic alliance might be a natural starting point in securing the future of the UN human rights system, countering the transnational assault on the UN will require a transnational response. Thus, the U.S., in partnership with other nations, needs to build a regionally diverse, flexible group of states that champions initiatives in the Council.<sup>16</sup> In order to do so, the U.S. could initiate and catalyze this by going on a listening tour in Geneva and learning about issues of import to other countries, being attentive to their ideas, identifying shared human rights concerns, and encouraging other nations to exercise leadership so that this is not viewed as a primarily American effort. This endeavor should not be cast as being part of a geopolitical competition between the U.S. and China but rather being driven by shared human rights interests and concerns. Costa Rica, which has in the past played a key role in drafting international standards to combat torture, will begin its term on the HRC and might be well-positioned to build bridges.<sup>17</sup> The U.S. has recently demonstrated an ability to organize this kind of coalition in the UN Economic and Security Council where it along with over 20 other nations overcame authoritarian blocking efforts in the NGO Committee and secured UN consultative status for 9 NGOs by pushing for an ECOSOC vote.<sup>18</sup> The U.S. can build on this momentum by taking up the cases of NGOs that are of import to other nations.

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<sup>16</sup> Yaroslav Trofimov, “Can the U.S. Lead a Human-Rights Alliance Against China?” *The Wall Street Journal*, May 21, 2021.

<sup>17</sup> Jared Cohen and Richard Fontaine, “The Case for Microlateralism: With U.S. Support, Small States Can Ably Lead Global Efforts,” *Foreign Affairs*, April 29, 2021, <https://www.foreignaffairs.com/articles/world/2021-04-29/case-microlateralism>

<sup>18</sup> “Remarks on Presenting the Draft Decision in ECOSOC on Bringing NGO Applications to a Vote in the EOCOSC Management Segment,” United States Mission to the United Nations, <https://usun.usmission.gov/remarks-on-presenting-the-draft-decision-in-ecosoc-on-bringing-ngo-applications-to-a-vote-in-the-eocosoc-management->

*Use existing tools in novel and more effective ways.*

There are a number of existing tools that the U.S. can use more actively. While U.S. and other diplomats from the Western European and Others Group have sought to use their speaking time during the Universal Periodic Review to highlight China's myriad human rights violations, the U.S. could also begin using the UPR as an opportunity to call for the release of specific prisoners in both its verbal remarks as well as its recommendations to China. This might even be coordinated with other nations to jointly highlight the cases of specific prisoners of conscience, such as Uyghur academic Ilham Tohti, house church pastor Wang Yi, Tibetan Yeshe Choedron, and human rights defender Qin Yongmin. Of course there are many other prisoners who could be added.

The UN Secretary General's annual report on reprisals against individuals who seek to report human rights abuses to the UN has included the cases of a number of Chinese human rights defenders, and is another potential tool. While a number of UN bodies such as the ECOSOC NGO Committee and the HRC lack membership criteria, when China comes up for election, the U.S. should draw more attention to China's inclusion in this report and the stories of the human rights activists who were targeted by the state in order to show that China is unfit for membership.

*Be creative about international fora.*

The U.S. should not be dissuaded by the failure of the HRC to pass a resolution on Xinjiang. Aside from the HRC, there are other multilateral bodies to consider, such as the International Labor Conference or the UN's Third Committee. The Third Committee's remit includes, social, humanitarian and cultural issues, and last year the Committee passed country-focused resolutions on North Korea, Myanmar, Iran, Ukraine and Syria.<sup>19</sup> The ILC, which passed a resolution on forced labor in Myanmar in 1999, is another candidate where the U.S. and other countries concerned with China's abuses could be composed of not only governments but labor and industry groups.<sup>20</sup>

I thank you again for your time and attention on this important subject.

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[segment/](#) and Edith M. Lederer, "After years of delay 6 rights groups get UN accreditation," *AP News*, July 22, 2021, <https://apnews.com/article/russia-ukraine-united-states-social-issues-9377aa5124589c8a84bab1f81adbfc21>

<sup>19</sup> "Social, Humanitarian & Cultural Issues (Third Committee) Status of action on draft proposals," UN General Assembly, <https://www.un.org/en/ga/third/77/proposalstatus.shtml>.

<sup>20</sup> Inboden, *China and the International Human Rights Regime*, 159-220 and Kellie Currie, "How to Stop China Killing Human Rights at the U.N." *Foreign Policy*, November 9, 2022, <https://foreignpolicy.com/2022/11/09/china-human-rights-un-xinjiang-resolution-international-system/>