

Statement Before the
United States Commission on International Religious Freedom

Hearing on
Techno-authoritarianism and transnational repression and influences
Influences religious freedom in Southeast Asia

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Distinguished Commissioners and fellow witnesses, it is an honor to be a part of today's hearing. My statement focuses on ways the People's Republic of China (PRC) is coopting and weakening the UN human rights system to make it easier for countries to evade accountability for human rights and religious freedom abuses. Because of these actions China's human rights violations and resistance to universal human rights norms now no longer pose a threat merely within its borders.

Over the last decade, the Chinese Communist Party (CCP)-government's religious persecution and efforts to control religious groups, has mushroomed. The case of Pastor Wang Yi, who is serving a 9-year sentence for peaceful religious activity, and the Chinese government's persecution, monitoring and detention of ethnic Uyghurs, are emblematic of these abuses. The Chinese Communist Party government presents a threat to religious freedom in other countries through its global rhetoric and propaganda that resists international human rights standards and its efforts to undermine and weaken the UN as a venue for international accountability.

Compared to the 1990s, when Chinese leaders occasionally voiced a degree of acceptance regarding the universality of human rights or indicated that over time its goal was to engage in political reform and improve its human rights practices, the PRC now trumpets views that challenge the universality of human rights; asserts that the unique historical, national, political and religious conditions of each country must be taken into account; and claims that any expression of concern over human rights violations from the international community is tantamount to interference in internal affairs. It would be misguided to discount this as mere rhetoric. The PRC is using the UN as a key venue to make these statements and is collaborating with other countries that share its views to advance these positions.

Among the PRC's key means of undermining the UN human rights system is resisting UN human rights instruments that are country-specific, including resolutions, special procedures, and special sessions.¹ This is part of a long-standing effort by China. Nearly two decades ago, when the UN Commission on Human Rights was disbanded and the UN Human Rights Council (HRC) was being established in its place, Beijing attempted to introduce rules that would make it so difficult to introduce a country-specific resolution that this tool would be rendered nearly impossible to use.² Yet, because resolutions carry moral weight and draw the international community's attention, they are a potent tool in protecting human rights. China also sought to dilute the UN's system of Special Procedures, which is comprised of independent experts who focus on a specific human rights issue or country.³ During discussions about the rules that

¹ Rana Siu Inboden, *China and the International Human Rights Regime: 1982-2017* (Cambridge: Cambridge University Press, 2021): 122-126.

² Ibid. 154-157.

³ There are currently Special Procedures focused on Afghanistan, Belarus, Burundi, Cambodia, Central African Republic, the Democratic People's Republic of Korea, Eritrea, Iran, Mali, Myanmar, the Palestinian Occupied Territories, Russia, Somalia, and Syria. "Country mandates," UN Office of the High Commissioner for Human Rights, <https://spinternet.ohchr.org/ViewAllCountryMandates.aspx?lang=en>, accessed January 24, 2024.

would govern the HRC, Chinese diplomats insisted that country-focused Special Procedures must only be created if the government in question consented.⁴ This requirement would have undermined this tool since countries with severe human rights violations generally face these problems either because the government is the main perpetrator or willingly enables or allows such abuses.

Even though the PRC was unsuccessful in these rule-shaping attempts, it continues to resist country-specific scrutiny both for itself and its allies in the Human Rights Council. For example, in 2017, when the HRC was considering a resolution on Myanmar's persecution of the Rohingya, China called for a vote rather than allowing the Council to adopt the resolution by the preferred means of consensus, and voted against the resolution. The PRC delegation framed the situation as one that could be solved through cooperation between Bangladesh and Myanmar, and stated that

The signing of the repatriation agreement between the two countries was an important step forward. What was now important was to create favourable conditions and a favourable atmosphere in order to implement the agreement. The draft resolution did not help ease the situation. On the contrary, it could complicate the implementation of the repatriation agreement.⁵

The PRC's language was clearly aimed at attempting to whitewash the Myanmar government's willful violence against the Rohingya and disparage the international community's legitimate use of a resolution to draw attention to human rights atrocities.

The PRC also continues its efforts to undermine and discredit the Special Procedures, especially because the Special Procedures have expressed alarm about China's human rights violations. Since 2016, the Special Procedures have issued at least 22 joint public statements expressing deep concern about China's egregious human rights violations, including several statements signed by dozens of Special Procedure Mandate holders.⁶ In response to justified concerns expressed by the Special Rapporteur on Religious Freedom, the Chinese government responded by criticizing and aiming to discredit the mandate holder. PRC diplomats complained that Ahmed Shaheed, who held the position of special rapporteur on freedom of religion or belief from November 2016 through July 2022, was "wantonly spread[ing] false

⁴ Ibid., 149. Malaysia joined the PRC in insisting on this position.

⁵ "Council condemns alleged systematic and gross violations of human rights against Rohingya Muslims and other minorities in Myanmar," Press releases, Human Rights Council, <https://www.ohchr.org/en/press-releases/2017/12/council-condemns-alleged-systematic-and-gross-violations-human-rights>, accessed January 23, 2024.

⁶ Rana Siu Inboden, "China, Power, and the UN Special Procedures: Emerging threats to the 'crown jewels' of the International Human Rights System," *Global Policy* (forthcoming). There are currently 60 Special Procedures.

information, lack[ing] minimum professional ethics, and serv[ing] as a political tool for some Western countries and anti-China forces.”⁷

The PRC also actively works with other countries, including Southeast Asian nations, in advancing positions to thwart the Human Rights Council’s ability to hold nations accountable. For example, China as well as Indonesia, Vietnam, Myanmar, Malaysia, Singapore, the Philippines, and Thailand belong to the Like-Minded Group (LMG), a coalition of countries, that hold illiberal human rights views and seek to protect each other from scrutiny.⁸ The PRC’s collaboration with these countries is also part of Beijing’s endeavor to sow divisions in the HRC between the Global South and Global North and use the HRC to claim that the west is unfairly critical and holds imperialist attitudes towards the developing world. In the UN Human Rights Council, the LMG numbers over 50 countries and takes positions that denigrates the universality of human rights and resists civil and political rights in favor of a right to development. The group also insists that technical assistance and capacity building should be the key means to encourage respect for human rights and that UN resolutions, monitoring via public reports, or expressing concern are less effective. While in some instances external assistance can be useful, China and these states appear to want to turn the UN into a mere service provider rather than a forum for accountability and scrutiny. These nations appear to be advancing these positions on capacity building and assistance to try to escape scrutiny and the Like-Minded Group works to shield each other from human rights scrutiny.⁹

Finally, the PRC is one of the leading countries blunting the Universal Period Review (UPR), including its own recently concluded review. The UPR was first envisioned as a way to ensure that every country undergoes rigorous periodic scrutiny. Yet, China along with other countries, including the Like-Minded Group, has instead turned the UPR into a talk fest where instead of scrutiny nations receive softball comments on blandishments from each other. For example, despite Vietnam’s troubled record on religious freedom, during Vietnam’s last UPR Beijing’s comments included encouraging the government to “Continue efforts to eliminate inequalities in access to public services” and to “Continue to invest in health-care services for women.”¹⁰ While these goals are not without merit, they fail to get at the heart of the most severe rights abuses in Vietnam, a country that is on the State Department’s Watch List for

⁷ “China Slanders and Smears at UN Human Rights Council,” Human Rights Watch, <https://www.hrw.org/news/2021/03/11/chinas-slanders-and-smears-un-human-rights-council>, accessed January 23, 2024.

⁸ Rana Siu Inboden, *Authoritarian States: Blocking Civil Society Participation in the United Nations* (Austin: Robert S. Strauss Center for International Security and Law, 2019), https://www.strausscenter.org/wp-content/uploads/strauss/18-19/RSInboden_AuthoritarianStates.pdf

⁹ Rana Siu Inboden, *Defending the Global Human Rights System From Authoritarian Assault*, (Washington DC, National Endowment for Democracy, 2023), <https://www.ned.org/new-report-defending-the-global-human-rights-system/>

¹⁰ “Report of the Working Group on the Universal Periodic Review, Viet Nam,” UN Human Rights Council, A/HRC/41/7, March 28, 2019.

religious freedom violations.¹¹ Other diplomats have described the LMG's UPR behavior as horse-trading where they exchange positive or soft comments in order to blunt scrutiny.¹²

Despite the PRC's efforts to dilute the international human rights system, there are steps that the U.S. government can take to strengthen the UN's human rights bodies and procedures to better protect religious freedom and other human rights abuses. First, the U.S. government should invest in ensuring American diplomats have the resources they need in Geneva. The PRC mission is nearly double the size of the U.S. mission in terms of diplomats. Moreover, the U.S. State Department should also enable American diplomats to get the training and time in Geneva needed to master UN procedures and develop relationships with other similarly-minded countries.¹³ Second, the United States, needs to focus on cross-regional collaboration in the HRC to advance robust rights initiatives. This could start with a concerted effort to meet with and develop relationships with countries outside the Western European and Others Group (comprised of North American and Western European countries), especially ones might be open to cooperation. Third, despite the HRC's shortcomings, the U.S. should be committed to participating in the UN human rights system. Aside from being a member of the HRC, the U.S. should also encourage other states with a commitment to religious freedom and human rights to stand for election. The U.S. government should also support the candidacy of individuals with strong track records and integrity to serve as experts in the UN human rights treaty body system and the Special Procedures system. Finally, the U.S. should persist in utilizing the tools at its disposal in the UN. Even though the resolution on Xinjiang that was introduced in 2022 did not pass, the U.S. should be commended for introducing it along with other nations. Similarly, the U.S. used its opportunity to submit questions in advance of China's recently concluded Universal Periodic Review and put forward fifteen strong questions, including one that asked about the cases of over 20 prisoners of conscience.

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

¹¹ "Countries of Particular Concern, Special Watch List Countries, Entities of Particular Concern," U.S. State Department, <https://www.state.gov/countries-of-particular-concern-special-watch-list-countries-entities-of-particular-concern/#:~:text=The%20most%20recent%20Special%20Watch,Republic%2C%20Comoros%2C%20and%20Vietnam.>

¹² Human Rights Watch, *The Costs of International Advocacy: China's Interference in United Nations Human Rights Mechanisms* (Washington DC: Human Rights Watch, 2017).

¹³ Some of core LMG countries enable their diplomats to do multiple tours in Geneva, allowing them to gain expertise and build relationships.