Statement before the Congressional Executive Commission on China

# Hearing on The PRC's Universal Periodic Review and the Real State of Human Rights in China

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Dr. Rana Siu Inboden Distinguished Scholar, Robert S. Strauss Center for International Security and Law University of Texas at Austin Distinguished Commissioners, it is an honor to be a part of today's hearing.

The recent Universal Periodic Review of the People's Republic of China (PRC) at the United Nations Human Rights Council (HRC) provides an opportune time to assess the PRC's record and examine ways it is continuing to attempt to subvert the UN human rights system.<sup>1</sup> Beijing not only attempts to stymie a fair and thorough assessment of its human rights record by manipulating the Universal Periodic Review (UPR) of China, but it is working to impair the vitality of the UN human rights system in other ways as well.

China's assault on the UN human rights system comes in tandem with severe domestic repression that includes pervasive persecution of ethnic Uyghurs, including arbitrary detention; a crackdown on any form of dissent in Hong Kong; extensive state control and suppression in Tibet that includes forcibly removing children from their families; and an ongoing onslaught on human rights defenders through the use of black jails, extensive jail sentences, and forced disappearances.<sup>2</sup> Just as Beijing's policy toward the Uyghur community is said to intended to "break their lineage, break their roots, break their connections and break their origins," the PRC also appears to be attempting to break the UN human rights system. The PRC's efforts to undermine robust human rights scrutiny of its record are intended to conceal its extensive human rights violations, including the politically-motivated detention of individuals, such as Pastor Wang Yi, Uyghurs Ilham Tohti and Rahile Dawut, Tibetan Yeshe Choedron, human rights defenders Xu Zhiyong, Ding Jiaxi and Gao Zhisheng, and the trial of Jimmy Lai in Hong Kong. These individual cases are not isolated ones, but rather are emblematic of the politically repressive landscape in China.

China's actions over the last decade show that the PRC has become intent on using its presence in the UN to alter international human rights norms and rewire the system in ways that will make it easier for states to escape scrutiny of their human rights records. There are several specific features of China's assault on the international human rights regime that I outline below.

## Manipulating the Universal Periodic Review

The Universal Periodic Review was initially intended to ensure that every nation underwent routine human rights scrutiny before the international community.<sup>3</sup> It includes a three-and-a-half-hour session where representatives of the country under review appear in person to participate in a dialogue that includes both a government presentation and an opportunity for questions from other nations during a session of the Human Rights Council. Other nations can also put forward recommendations for the government under review.<sup>4</sup> The UPR also relies on documentation submitted by the government in question, the UN, and civil society. The procedure was developed with a vision of vigorous scrutiny, yet the PRC has tried to render the UPR a meaningless exercise and

<sup>&</sup>lt;sup>1</sup> This was the PRC's 4<sup>th</sup> UPR with its previous review occurring in 2018.

<sup>&</sup>lt;sup>2</sup> "2022 Country Reports on Human Rights Practices: China (Includes Hong Kong, Macau, and Tibet)," U.S. State Department, <u>https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/china/</u>, accessed January 22, 2024.

<sup>&</sup>lt;sup>3</sup> Due to the rotational nature, each nation usually undergoes review about every 4.5 years.

<sup>&</sup>lt;sup>4</sup> The nation under review can accept, reject or note recommendations. Some nations, particularly China, have indicated that certain recommendations have already been implemented even though this has often not been the case.

actively works to whitewash its violations.<sup>5</sup>

One of China's key strategies toward this goal is soliciting fawning or soft-ball comments from compliant nations in order to flood the proceedings with weak recommendations and perfunctory remarks. This was a strategy that the PRC initiated shortly after the HRC was formed in 2006. During the first round of the UPR, held during the first years of the Council, countries like China and Cuba heavily recruited (and at times pressured) other nations to sign up to speak during their reviews.<sup>6</sup> Speaking during the UPR is voluntary and ideally nations that are concerned about that country's human rights record should be able to have sufficient time to query the country under review, but the PRC and other authoritarian-leaning nations manipulated the process so that the speaking list is filled with many countries offering bland statements and insipid or meaningless recommendations.<sup>7</sup> In the lead up to China's UPR in January 2024, according to Reuters, the PRC mission circulated a diplomatic note to other nations that read, "I would kindly request your delegation to render valuable support to China and make constructive recommendations in the interactive dialogue... taking into account the friendly relations and cooperation between our two countries."<sup>8</sup> For developing countries, that are reliant on PRC economic assistance or other forms of support, the language "friendly relations and cooperation" could easily feel like pressure to ensure they remain in the PRC's good graces. Beijing's machinations meant that during its January 2024 UPR 163 nations had signed up to speak which meant that each country only had 45 seconds to deliver remarks.

Some of the statements delivered on the PRC's behalf not only congratulated the PRC about its economic development achievements, but even endorsed some of the PRC's rights-abusing policies. According to press reporting, the Chinese government also requested praise from at least a couple of (and possibly more) non-western countries and specifically suggested that they mention China's record on disability rights and women.<sup>9</sup> A number of countries also appeared to parrot the content in Beijing's state report and employed phrases from the Chinese government, particularly slogans used by Xi Jinping, such as "whole process people's democracy."<sup>10</sup> As a result, several delegations commended China for lifting 100 million people out of poverty and reaching some UN Sustainable Development goals ahead of schedule and recommended China share lessons with other developing countries, make progress in agriculture, continue to address rural development, and deforestation.<sup>11</sup>

<sup>&</sup>lt;sup>5</sup> "China Attempts to 'gaslight' international community at UN human rights review," Amnesty International, January 23, 2024, https://www.amnesty.org/en/latest/news/2024/01/china-attempts-to-gaslight-international-community-at-un-human-rights-review/, accessed January 24, 2024.

<sup>&</sup>lt;sup>6</sup> Other authoritarian nations, including Cuba, have also used this tactic.

 <sup>&</sup>lt;sup>7</sup> During the first round of the UPR, this PRC tactic resulted in time running out so that a number of countries did not get to deliver their statement. The queue was initially a physical one so China and other countries could see which delegations bothered to line up early.
 <sup>8</sup> Emma Farge, "China lobbies countries to praise its rights record ahead of UN review," *Reuters*, January 22, 2024.
 <sup>9</sup> Ibid.

<sup>&</sup>lt;sup>10</sup> "China Review - 45th Session, Universal Periodic Review," UN Web TV, <u>https://webtv.un.org/en/asset/k1z/k1z43db5bt</u>, accessed January 25, 2024. Although many observers see China as playing a destructive role in the international human rights system, India's UPR statement encouraged China to continue playing a constructive role in representing developing countries in the UN human rights system, including through 'reform' of multilateral institutions. For background on China's negative influence on the human rights system, see Sophie Richardson, "China's Influence on the Global Human Rights System," Brookings Institute,

https://www.brookings.edu/articles/chinas-influence-on-the-global-human-rights-system/, accessed January 25, 2024.

<sup>&</sup>lt;sup>11</sup> "China Review - 45th Session, Universal Periodic Review," UN Web TV, https://webtv.un.org/en/asset/k1z/k1z43db5bt, accessed

In exchange for these dutiful remarks for Beijing, other rights-abusing nations appear to receive reciprocal treatment from China.<sup>12</sup> For example, Belarus put forward the following advance question, "China upholds that all ethnic groups are equal and works for all-round development of the cause of ethnic minorities. Would you please share the efforts and practices by the Chinese government in protecting the rights of ethnic minorities,"<sup>13</sup> and in 2021 when Belarus underwent its UPR, the PRC stated that "it supported the achievements of Belarus in protecting human rights and its efforts to maintain its independence, sovereignty, security and development."<sup>14</sup>

The PRC also manipulates the process by attempting to control and influence the information that is used for the UPR, including the compiled written information and civil society access to the proceedings. For example, while PRC government claims to meet the UPR guideline of involving civil society and allowing for domestic consultations in developing the report that it submits to the UN, the organizations that were cited as having input into the PRC government report were government affiliated ones.<sup>15</sup> As a result, the content of the PRC's national report is divorced from the reality of the repression that Tibetans, Uyghurs, residents of Hong Kong and human rights defenders face, as well as the overall surveillance and control that all Chinese citizens face.<sup>16</sup> Instead, China's report was full of propaganda and blandishments and in its oral statement the PRC delegation claimed that China was one of the "safest countries in the world" and that the Chinese people "are the masters of their country and society." The delegation further claimed that with the imposition of National Security Law in Hong Kong "the days of social disturbance and fear are over" and that "stability and order are restored" to the city.<sup>17</sup>

In addition, there have been instances when China has attempted to control the information compiled by the UN. In 2018, when China was last reviewed, the PRC succeeded in temporarily

January 25, 2024. In response to the PRC's oft claims about the number of people lifted out of poverty, Dr. Sophie Richardson pointed out that the level of economic development might more be due to the PRC lifting its boot off the people enough to allow them to be economically productive. "World Report 2020: Live from the UN," Youtube, <u>https://www.youtube.com/watch?v=EhTUiIey00A</u>, accessed January 27, 2024. This point also makes sense given that much of China's development occurred prior to Xi's reimposition of Mao-like state control.

<sup>&</sup>lt;sup>12</sup> Rana Siu Inboden, *China and the International Human Rights Regime: 1982-2017* (Cambridge: Cambridge University Press, 2021), see Chapter 5.

<sup>&</sup>lt;sup>13</sup> "Advance Questions to China," UN Human Rights Council, <u>https://www.ohchr.org/en/hr-bodies/upr/cn-index</u>, accessed January 25, 2024.

<sup>&</sup>lt;sup>14</sup> UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review, Belarus," January 4, 2021, UN Doc. A/HRC/46/5. China also recommended that Belarus, "Continue to pursue the human rights development path suitable to its national conditions."

<sup>&</sup>lt;sup>15</sup> "Universal Periodic Review Fourth Cycle - China - Reference Documents," UN Human Rights Council, <u>https://www.ohchr.org/en/hr-bodies/upr/uprcn-add-info-s45</u>, accessed January 25, 2024.

<sup>&</sup>lt;sup>16</sup> UN Human Rights Council, "China National report submitted in accordance with Human Rights Council resolutions 5/1 and 16/21,"November 3, 2023, UN Doc. A/HRC/WG.6/45/CHN/1\*. Moreover, given Beijing's pattern of using transnational repression and engaging in reprisals against human rights advocates who engage with the UN, independent Chinese civil society activists could justifiably fear consequences for putting forward statements or information for the UPR. UN Office of the High Commissioner for Human Rights, "Cooperation with the United Nations, its representatives and mechanisms in the field of human rights - Report of the Secretary-General," August 21, 2023, UN Doc. A/HRC/54/61, <u>https://www.ohchr.org/en/documents/reports/ahrc5461-cooperation-united-nations-its-representatives-and-mechanisms-field</u>. China is regularly cited in this annual report routinely for engaging in reprisals.

<sup>&</sup>lt;sup>17</sup> "China Review - 45th Session, Universal Periodic Review," UN Web TV, https://webtv.un.org/en/asset/k1z/k1z43db5bt, accessed January 25, 2024. The statement on the Hong Kong National Security Law was especially untrue given that this piece of legislation has been described as draconian and a threat to freedom in Hong Kong. Javier Hernandez, "Harsh Penalties, Vaguely Defined Crimes: Hong Kong's Security Law Explained," *New York Times*, June 30, 2020, https://www.nytimes.com/2020/06/30/world/asia/hong-kong-security-law-explain.html, accessed January 24, 2024.

removing critical submissions from Hong Kong, Tibetan, and Uyghur groups.<sup>18</sup> Given previous reports of the PRC pressuring or trying to influence the UN secretariat, it is highly likely that the PRC sought to ensure that the UN's compilation did not include the August 2022 report on Xinjiang by the UN Office of the High Commissioner for Human Rights or mention of that report's finding that the PRC's actions in Xinjiang "may constituting international crimes, in particular crimes against humanity."<sup>19</sup>

Finally, China attempts to crowd out independent civil society organizations with governmentaffiliated ones (often referred to as GONGOs) through both the submission of information to the UN and even filing up the section allotted for NGO representatives to observe the UPR.<sup>20</sup> Moreover, GONGO representatives have at times attempted to intimidate independent human rights defenders at the United Nations.<sup>21</sup>

## Rejecting of the universality of human rights norms

China is asserting positions that challenge the universality of international human rights norms.<sup>22</sup> One of the PRC's strategies in this regard is insisting that the "significance of national, and regional particularities and various historical, cultural and religious backgrounds must be borne in mind" in promoting international human rights.<sup>23</sup> The PRC repeatedly makes this point, including asserting that "There is no one-size-fits-all development path for human rights.<sup>24</sup> China employs this resistance to universal human rights standards to shield itself and other rights-abusing governments. For example, during an HRC Special Session on Iran related to the crackdown on the September 2022 protests, PRC Permanent Representative Chen Xu offered a statement that opposed the convening of a special session on Iran and called on other nations to "respect each countries" own choice of human rights development path (sic).<sup>25</sup>

<sup>&</sup>lt;sup>18</sup> Sophie Richardson and Rana Siu Inboden, "Beijing Is Pouring Resources into Its UN Human Rights Review—All to Prevent Any Real Review from Taking Place," *ChinaFile*, January 22, 2024, <u>https://www.chinafile.com/reporting-opinion/viewpoint/China-UPR</u>, accessed January 25, 2024.

<sup>&</sup>lt;sup>19</sup> "OHCHR Assessment of human rights concerns in the Xinjiang Uyghur Autonomous Region, People's Republic of China," UN Office of the High Commissioner for Human Rights, <u>https://www.ohchr.org/en/documents/country-reports/ohchr-assessment-human-rights-</u> <u>concerns-xinjiang-uyghur-autonomous-region</u>, accessed January 22, 2024. On ways the PRC might apply pressure to the UN, see Rana Siu Inboden, "China, power and the United Nations Special Procedures: Emerging threats," *Global Policy* (forthcoming).

<sup>&</sup>lt;sup>20</sup> "Briefing Paper: Strategies for Making China's 4th UPR Effective in Stopping Atrocity Crimes," Chinese Human Rights Defenders, <u>https://www.nchrd.org/2023/12/briefing-paper-strategies-for-making-chinas-4th-upr-effective-in-stopping-atrocity-crimes/</u>, accessed January 25, 2024.

<sup>&</sup>lt;sup>21</sup> See Human Rights Watch, *The Costs of International Advocacy: China's Interference with United Nations Human Rights Mechanisms* (Washington DC: Human Rights Watch, 2017), 18-20.

<sup>&</sup>lt;sup>22</sup> Previously, there were sporadic PRC statements that offered some rhetorical acceptance of the universality of human rights. See Inboden, *China and the International Human Rights Regime*, 52-53 and 75.

<sup>&</sup>lt;sup>23</sup> The PRC's language in rejecting the universality of international human rights norms is becoming sharper. In a submission to the UNHRC's Advisory Committee, the Chinese government stated that "Different countries have different historical and cultural traditions, levels of economic and social development and political systems, different human rights concepts and practices, and different priority areas and specific plans for human rights development." "Reply to the Questionnaire of the Human Rights Council Advisory Committee on the Role of Technical Assistance and Capacity Building in Fostering Mutually Beneficial Cooperation," PRC government, <a href="https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/AdvisoryCom/TechnicalAssistance/China\_English.pdf">https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/AdvisoryCom/TechnicalAssistance/China\_English.pdf</a>, accessed December 14, 2023.

<sup>&</sup>lt;sup>24</sup> "Foreign Ministry Spokesperson Zhao Lijian's Regular Press Conference on November 8, 2022," <u>http://un.china-mission.gov.cn/eng/fyrth/202211/t20221108\_10834174.htm</u>, accessed January 25, 2024.

<sup>&</sup>lt;sup>25</sup> "35<sup>th</sup> Special Session of the Human Rights Council," UN Web TV, <u>https://webtv.un.org/en/asset/k11/k11bchotfp</u>, accessed January 22, 2024.

China does not merely express these views in its national documents and statements. Beginning in 2017, it also began proactively injecting these ideas into UN debates and texts, particularly HRC resolutions.<sup>26</sup> For example, the PRC's HRC resolutions on "The Contribution of Development to the Enjoyment of Human Rights" erodes universality by introducing the idea that the realization of human rights is contingent on economic development, particularly that the international community should "take into account different national realities, capacities, and levels of development."<sup>27</sup> Although economic development can support human rights, this position risks giving developing countries a pass on vigorous protection of political, civil and religious rights.<sup>28</sup> HRC resolutions convey the positions of the Council's members (or the majority of them) on human rights issues, and over time can alter other key aspects of the human rights regime, such as forming ideas about UN human rights priorities, the HRC's functioning and work, including the mandates of the HRC's independent experts.

#### Redefining the substance of the human rights regime

Taking a page from the old Soviet Union Cold War playbook to undermine human rights, China is also seeking to shift consensus on the main content of the international human rights regime to focus on issues such as a "right to development" and an emphasis on the aid and assistance that is owed to the developing world from the Global North.<sup>29</sup> In this vein, the PRC has introduced and secured passage of resolutions on the right to development that includes language on the obligations of developed countries to aid their less developed counterparts. For example, the PRC asserts that "Developed countries should honor their official development assistance commitments, help developing countries accelerate economic and social development, eradicate hunger and poverty, and ensure the right to survival and development."<sup>30</sup> While development is a laudable goal, using the HRC to introduce the idea that the international system is unfair to under-developed nations diverts the HRC away from considering oppression such as torture or forced disappearance.<sup>31</sup> These PRC efforts further alter the raison d'être of the human rights regime away from protecting people from harm and preventing atrocities to a development forum.

<sup>30</sup> PRC government, "Reply to the Questionnaire of the Human Rights Council Advisory Committee on the Role of Technical Assistance and Capacity Building in Fostering Mutually Beneficial Cooperation,"

<sup>&</sup>lt;sup>26</sup> For background on the PRC's introduction of these kinds of resolutions see Andréa Worden, "With Its Latest Human Rights Council Resolution, China Continues Its Assault on the UN Human Rights Framework," *China Change*, April 9, 2018, <u>https://chinachange.org/2018/04/09/with-its-latest-human-rights-council-resolution-china-continues-its-assault-on-the-un-human-rights-framework/</u>, accessed January 22, 2024.

<sup>&</sup>lt;sup>27</sup> UN Human Rights Council, "The contribution of development to the enjoyment of all human rights, resolution" July 12, 2019, UN Doc. A/HRC/RES/41/19.

<sup>&</sup>lt;sup>28</sup> Moreover, instead of using its economic wealth to benefit Chinese society, the CCP has used its growing wealth to build an extensive and draconian digital surveillance system.

<sup>&</sup>lt;sup>29</sup> See for example, UN Human Rights Council, "The contribution of development to the enjoyment of all human rights, resolution," July 27, 2021, UN Doc. A/HRC/RES/47/11.

https://www.ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/AdvisoryCom/TechnicalAssistance/China\_English.pdf, accessed December 14, 2023. The PRC has also sought to shift attention in the HRC toward issues that could be perceived as intended to sow further divisions between the Global South and the Global North, such as a resolution on the legacies of colonialism. UN Human Rights Council, "Negative Impacts of the legacies of colonialism on the enjoyment of human rights, resolution" 14 October 2021, UN Doc. A/HRC/RES/48/7.

<sup>&</sup>lt;sup>31</sup> UN Human Rights Council, "Promotion of a democratic and equitable international order, resolution" October 15, 2021, UN A/HRC/RES/48/8.

The PRC's rhetoric and resolutions also appears to be aimed at turning the HRC into a venue where a grievance culture prevails that creates divisions between the Global South and the Global North. China regularly claims that developing countries are unfairly targeted for human rights scrutiny. In response to the introduction of a resolution on Xinjiang, PRC Permanent Representative Chen Xu claimed that "today China is targeted, tomorrow it could be another developing country" and that "all country-specific resolutions are targeted at developing countries."<sup>32</sup> The PRC's claim about unfair scrutiny of developing countries is clearly aimed at trying to marshal developing world support to shied itself. China's attempt to couch itself as a developing country is also incongruous with its assertions about its success in lifting people out of poverty and becoming a "moderately prosperous society." In a similar vein, the HRC resolutions on the "Negative impact of the legacies of colonialism on the enjoyment of human rights" and "A Democratic and Equitable Order" appear intended to create rifts.<sup>33</sup> This tactic is ironic given the PRC's neocolonial oppression of places and people groups such as Tibetans, Uyghurs and Hong Kong.

#### Corroding human Rights accountability procedures

The PRC is also among the nations weakening country specific scrutiny, including countryfocused resolutions, Special Procedures, and special sessions. For decades the PRC has taken aim at country-specific scrutiny, especially resolutions, that were aimed at its own record by calling for cooperation and dialogue to advance human rights, but now its statements are much more insistent on "mutually beneficial cooperation" in lieu of accountability. It is also appropriating arguments about sovereignty to weaken international scrutiny. China's statement on behalf of the Group of Friends in Defense of the Charter of the United Nations, a grouping that includes a number of rightsabusing governments, asserts that "there is no other option than cooperation, engagement, and national ownership," in promoting human rights.<sup>34</sup> This group, which is comprised of 19 states, including Algeria, Belarus, Bolivia, Cambodia, China, Cuba, the Democratic People's Republic of Korea, Equatorial Guinea, Eritrea, the Islamic Republic of Iran, the Lao People's Democratic Republic, Mali, Nicaragua, the State of Palestine, the Russian Federation, Saint Vincent and the Grenadines, Syria, Venezuela, and Zimbabwe, is exploiting sovereignty to resist human rights accountability and weaken key tools.<sup>35</sup>

The Chinese government also asserts that human rights scrutiny that is not based on the consent of and cooperation with the government in question, is a violation of national sovereignty and constitutes interference in internal affairs.<sup>36</sup> China employed this position in its statement

<sup>&</sup>lt;sup>32</sup> "51st session of the Human Rights Council," UN Web TV, <u>https://webtv.un.org/en/asset/k1w/k1w9tube8v</u>, accessed January 25, 2024.

<sup>&</sup>lt;sup>33</sup>," UN Human Rights Council, "Promotion of a democratic and equitable international order, resolution," October 15, 2021, UN Doc. A/HRC/RES/48/8.

<sup>&</sup>lt;sup>34</sup> "Statement Delivered by H.E. Mr. Chen Xu, Ambassador Permanent Representative of the People's Republic of China to the United Nations Office in Geneva, During the Interactive Dialogue on the Annual Report of the United Nations High-Commissioner for Human Rights," The Group of Friends in Defense of the Charter of the United Nations, https://www.gof-uncharter.org/ files/ugd/6140e8 b80ea090c64741b9b19f7b0df8e90745.pdf

<sup>&</sup>lt;sup>35</sup> The Group of Friends in Defense of the Charter of the United Nations, "About Us," <u>https://www.gof-uncharter.org/about-us</u>, accessed December 14, 2023.

<sup>&</sup>lt;sup>36</sup> China also attacks the use of sanctions, referring to them as unilateral coercive measures. During the HRC's 2022 special session on Iran, the PRC bemoaned that "UCM's [unilateral coercive measures] have caused harm to Iran and other developing countries."

opposing the HRC resolution on Xinjiang stating that the "so-called assessment" was not consented by the PRC so it was "null and void."<sup>37</sup> Similarly, in defense of Syria, the PRC issued the following statement "China supports Syria in opposing external interference, opposing unilateral bullying, and safeguarding national independence, sovereignty and territorial integrity..."<sup>38</sup>

# **Recommendations**

China is strongly motivated to continue this assault on the UN human rights regime because the ideals enshrined in the Universal Declaration of Human Rights present an existential threat to the CCP's continued one-party rule. Even though a Chinese diplomat, was involved in the drafting of this watershed document, the PRC now shows resistance to the UN human rights system. The UN human rights system emerged in the aftermath of the horrors of the World War II, of the Gulag and the Holocaust, and our nation must again be prepared to advance the cause of protecting the rights of individuals around the world. Despite the UN's flaws, the U.S. must remain engaged in it to prevent China and other authoritarian nations from coopting it.

As part of this effort, the U.S. government should:

- Continue to utilize UN tools and commit to participation. Despite the UN's manifest shortcomings, the U.S. can have a greater impact if it remains in the UN Human Rights Council and continues to stand for election as often as it can. American diplomats also did a laudable job of using the opportunity to put forward questions in advance of China's January 2024 UPR by submitting fifteen strongly worded questions, including one that asked about twenty-six prisoners of conscience.<sup>39</sup> In addition to continued membership in the HRC, the United States should also pursue participation and leadership in other bodies, including ones that appear primarily technical but that have human rights implications, such as the International Telecommunication Union (ITU).<sup>40</sup>
- Support independent civil society, especially Chinese human rights defenders. The UN human
  rights system relies heavily on independent human rights defenders being willing to report
  and communicate about the abuses they face and the situation in their country. The U.S. has
  important opportunities to bolster civil society, including by continuing to work with other
  nations to overcome China's efforts to withhold UN consultative status from genuine civil
  society groups. Despite the severe level of repression, I encourage the U.S. to persist in
  finding safe and resourceful ways to support and nurture activists in China. The U.S. must also
  consider ways to support those human rights defenders who seek exile because the
  persecution in China has grown too pervasive and abusive to withstand. This can be done

<sup>38</sup> "Xi Jinping Meets with President of Syria Bashar al-Assad," PRC Ministry for Foreign Affairs,

<sup>&</sup>lt;sup>37</sup> The PRC statement also appeared to describe it as an "illegal assessment." "51st session of the Human Rights Council," UN Web TV, <u>https://webtv.un.org/en/asset/k1w/k1w9tube8v</u>, accessed January 25, 2024.

https://www.mfa.gov.cn/eng/zxxx\_662805/202310/t20231008\_11157381.html, accessed December 14, 2023.

<sup>&</sup>lt;sup>39</sup> "Advance Questions to China," UN Human Rights Council, https://www.ohchr.org/en/hr-bodies/upr/cn-index, accessed January 25, 2024.

<sup>&</sup>lt;sup>40</sup> Tom Wheeler, "The most important election you never heard of," Brookings Commentary, August 12, 2022, <u>https://www.brookings.edu/articles/the-most-important-election-you-never-heard-of/</u>, accessed December 14, 2023.

through fellowships, research and small grants, as well as mental health support.

- Better protect people from PRC transnational repression, especially those who engage with the UN. Federal level U.S. law enforcement agencies have begun to better understand the threat that the PRC poses to human rights activists in the United States through transnational surveillance, intimidation, and repression. These efforts must continue but also need to include state and local law enforcement. The U.S. government should also ensure that federal agencies have the resources they need to continue to investigate and halt PRC transnational repression efforts, such as overseas police stations.
- Counter the PRC's efforts to sow north-south divisions. The U.S. and many other western
  nations have been supportive of developing countries, including funding generous foreign aid
  programs. Yet the PRC's rhetoric and actions in the HRC is making it a divisive venue. The U.S.
  needs to find creative ways to puncture this false PRC narrative that developing nations are
  not supported by the west and that they receive unfair human rights scrutiny.
- Expand efforts with allies. The U.S. cannot defend the human rights system on its own and needs to prioritize working with other countries with a commitment to human rights. This should include both western nations as well as nations hailing from other regions.<sup>41</sup> The U.S. has shown an ability to do this and in ECOSOC it partnered with 36 other countries to grant UN accreditation to NGOs that had been blocked by authoritarian governments from gaining accreditation. Because of this cross-regional action organizations such as the Syrian American Medical Society Foundation and the Belarusian Helsinki Commission have been granted UN accreditation. <sup>42</sup>
- Support creative advocacy. While China and its allies attempt to drown out incisive human rights questions during the UPR and other formal UN proceedings, the U.S. should also match America's formal participation in the Human Rights Council by also supporting creative advocacy that helps elucidate China's human rights abuses. For example, the U.S. Mission in Geneva could organize a festival featuring films by Uyghurs, Tibetans and Hong Kong residents and host the immersive performance "Everybody is Gone," which depicts the horrors of the detention camps in the Uyghur region.<sup>43</sup>

<sup>&</sup>lt;sup>41</sup> During China's UPR there were several non-western nations that raised important concerns about Chian's human rights abuses or made strong rights-friendly, such as Brazil, Chile and Marshall Islands. See, China Review - 45th Session, Universal Periodic Review," UN Web TV, <u>https://webtv.un.org/en/asset/k1z/k1z43db5bt</u>, accessed January 25, 2024.

<sup>&</sup>lt;sup>42</sup> "EU Statement – UN ECOSOC: Committee on NGOs," Delegation of the European Union to the United Nations in New York," <u>https://www.eeas.europa.eu/delegations/un-new-york/eu-statement-%E2%80%93-un-ecosoc-committee-ngos\_en</u>, accessed December 14, 2023.

<sup>&</sup>lt;sup>43</sup> "Everybody is Gone," The New Wild, <u>https://www.thenewwild.org/everybody-is-gone</u>, accessed December 14, 2023.