

# THE CECC AT 20: TWO DECADES OF HUMAN RIGHTS ABUSE AND DEFENSE IN CHINA

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## HEARING BEFORE THE CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA ONE HUNDRED SEVENTEENTH CONGRESS SECOND SESSION

DECEMBER 13, 2022

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## CONTENTS

### STATEMENTS

Opening Statement of Hon. Jeff Merkley, a U.S. Senator from Oregon; Chair, Congressional-Executive Commission on China .....	1
Statement of Hon. James P. McGovern, a U.S. Representative from Massa- chusetts; Co-chair, Congressional-Executive Commission on China .....	3
Statement of Hon. Thomas Suozzi, a U.S. Representative from New York .....	4
Statement of Hon. Nancy Pelosi, Speaker of the House .....	5
Statement of Teng Biao, Hauser Human Rights Scholar, Hunter College, and Pozen Visiting Professor, University of Chicago .....	9
Statement of Rana Siu Inboden, Senior Fellow, Robert Strauss Center for International Security and Law, University of Texas at Austin .....	11
Statement of Sophie Richardson, China Director, Human Rights Watch .....	13

### APPENDIX

#### PREPARED STATEMENTS

Biao, Teng .....	32
Inboden, Rana Siu .....	34
Richardson, Sophie .....	39
Merkley, Hon. Jeff .....	42
McGovern, Hon. James P. ....	43

#### SUBMISSIONS FOR THE RECORD

“Authoritarian States: Blocking Civil Society Participation in the United Na- tions,” a report by Rana Siu Inboden, published by the Robert Strauss Center for International Security and Law .....	45
CECC Truth in Testimony Disclosure Form .....	72
Witness Biographies .....	73



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**TUESDAY, DECEMBER 13, 2022**

CONGRESSIONAL-EXECUTIVE  
COMMISSION ON CHINA,  
*Washington, DC.*

The hearing was held from 10:00 a.m. to 11:50 a.m., in Room 106, Dirksen Senate Office Building, Washington, DC, Senator Jeff Merkley, Chair, Congressional-Executive Commission on China, presiding.

Also present: Representative James P. McGovern, Co-chair, and Representatives Smith, Suozzi, and Wexton.

### **OPENING STATEMENT OF HON. JEFF MERKLEY, A U.S. SENATOR FROM OREGON; CHAIR, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA**

Chair MERKLEY. Good morning. Today's hearing of the Congressional-Executive Commission on China entitled "CECC at 20: Two Decades of Human Rights Abuse and Defense in China" will come to order.

This year marked the start of the Commission's third decade monitoring the People's Republic of China's compliance with international human rights standards and developments related to the rule of law in China. The Commission's annual report, hearings, and other products provide a detailed multi-year accounting. Over that time, our work documents a dramatic arc from the early 2000s of a movement within China to stand up for and defend human rights to the current situation, the Chinese Communist Party's escalating efforts to constrict space for internet freedom, for civil society, and for the exercise of citizens' basic rights.

In that same period, the hope some held on to that China's inclusion in global institutions would be accompanied by improvements in human rights has met the harsh reality: Chinese authorities are using those institutions to debase and discredit the very notion of universal rights. As we close out the 117th Congress, this hearing aims to take stock of where the last two decades have left us and where those fighting for fundamental freedoms can go from here. We are joined by some of the leading experts in the field, who will shed light on the evolution of the domestic situation in China, the international legal landscape, and the Chinese Communist Party's efforts to shape both.

Before we hear their testimony, our examination of this topic will be framed by special remarks from a very special friend of this Commission. Speaker of the House Nancy Pelosi spoke from the

dais at the first hearing of the CECC 20 years ago, just a floor above us in this very building, to help launch a Commission she played a key role in creating. As we thank her for her historic leadership in Congress and tireless work on behalf of human rights everywhere, but especially in China, there is nobody more fitting for us to hear from to mark two decades of the Commission's work and help chart what we can do to keep fighting for the people against the powerful.

That is the essence of what the Commission tries to do. The talented and professional staff has published 21 annual reports, compiled over 10,000 Political Prisoner Database records, and met with countless stakeholders over the years. In this Congress alone, we've passed the groundbreaking Uyghur Forced Labor Prevention Act, advanced legislation establishing a China Censorship Monitor and Action Group, held 15 hearings that ran the gamut of issues within our mandate, sent dozens of advocacy letters, and published analysis on the treatment of Muslim minorities, economic coercion against American companies, the case for sanctioning those responsible for political persecution, and the dismantling of Hong Kong's civil society.

Since the first days of the Commission, the backbone for all of this work has been Judy Wright. The first person hired to staff the CECC, Judy Wright has been the only Director of Administration the Commission has ever had. After nearly 21 years in this role, and almost 40 years working for the U.S. Congress, Judy will begin a richly deserved retirement at the end of this month. She has kept the Commission running smoothly, supported research staff through thick and thin, maintained institutional memory over the many political transitions in Congress over the years, and has been a treasured friend to generations of CECC staffers and commissioners. Judy, this team will miss you dearly. We wish you all the best in retirement, and thank you for your service.

This is my last hearing as chair before we transition to the next Congress. It has been an honor to serve with my co-chair, Congressman McGovern, who has shown tremendous leadership these last four years in translating the work of the Commission into meaningful legislation defending Uyghurs, Hong Kongers, Tibetans, and others experiencing abuse. That work has been truly bipartisan and bicameral, and as we prepare for the next Congress, I look forward to continued close partnership with Congressman Smith, with Senator Rubio, and with all of this Commission's champions for human rights and the rule of law in China.

I will now turn to Co-chair McGovern.

**STATEMENT OF HON. JAMES P. MCGOVERN, A REPRESENTATIVE FROM MASSACHUSETTS; CO-CHAIR, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA**

Co-chair MCGOVERN. Well, thank you very much, Mr. Chairman, for scheduling this hearing. I look forward to the testimony of our witnesses, and I want to thank you for your incredible leadership. It has been an honor to serve alongside you, as well as with my friend Congressman Suozzi from New York. I've really admired your style and your commitment to the human rights of the Chinese people.

You know, today we take stock of the changes in China and the evolution of international law in the two decades since the CECC was established. Our intent is not to look back but to plan for the future by assessing our work amidst a changing landscape. Xi Jinping will continue to lead a government that employs the newest tools to suppress dissenting viewpoints, impose social control, and repress critics domestically and across borders. We want to make sure that the Commission is properly equipped and oriented to fulfill its mandate and to serve our constituents—Congress, the executive branch, the China human rights community, and most important of all, the people of China.

Chinese, Tibetans, Uyghurs, Southern Mongolians, Hong Kongers, and all others who live in the PRC deserve to have their rights and dignity respected. Human rights are inherent, as enshrined in the Universal Declaration of Human Rights and protected by the covenants and agreements that have flowed from it. The Chinese Communist Party would have us believe that some rights count more than others, citing Chinese values to discount certain civil and political rights. Some in the United States also believe that some rights count more than others, citing American values to discount certain social and economic rights.

Under international law, both are wrong. Human rights are universal, independent, and mutually reinforcing. This Commission, by statute, is mandated to assess China's compliance with international human rights standards. These standards are not determined by any party in China and not by any party in the United States. These standards, codified at the United Nations and widely adjudicated, apply to every person in every country and territory on Earth. We do a disservice to the people of China if the Commission's work is shaped by personal or political preferences, rather than by the universal human rights that the people of China are entitled to. Over two decades, the Commission has earned a reputation for objective and informative analysis. And let's keep it that way.

On a personal note, this is my last hearing as co-chair of this Commission. With my co-chairs, Senators Rubio and Merkley, along with Congressman Smith, we have sought to translate the Commission's expertise into advocacy and legislative impact. We helped get into law the Hong Kong Autonomy Act, the Hong Kong Human Rights and Democracy Act, the PROTECT Hong Kong Act, the Uyghur Human Rights Policy Act, and the Tibetan Policy and Support Act. I give special mention to the Uyghur Forced Labor Prevention Act, which was the product of Commission staff research that led to a report, a hearing, legislation, and then law. I propose it as a model both for how the Commission can be effective and how it can craft robust human rights policy. I hope to be able to continue to serve on this Commission and to work on a bipartisan basis to promote human rights in China.

Lastly, none of this would be possible without the hard-working non-partisan staff of the Commission. They are experts in the field and committed to both the cause of human rights and to the accuracy in reporting that has made the Commission's work so respected. I cannot thank them enough. Like the chair, one staffer I will mention by name is Judy Wright. She's retiring after 20

years at the Commission and many years before that in the House. As Director of Administration, she has made everything possible. We will miss her. I wish her a well-deserved and fulfilling retirement. I also want to acknowledge our lead staffer in the House, Todd Stein. I have worked with nobody who knows more about China, who is more fluent in human rights law, who cares more deeply about this issue than him. And it has really been a privilege and an honor to work alongside him. We're going to continue to work together on this issue for many years to come.

As we're waiting for Speaker Pelosi to arrive, let me just say that I want to pay a special tribute to her. You know, she reminds us all the time, even when it's inconvenient, about how important focusing on human rights is. And with regard to human rights in China, she reminds us that if we don't have the courage and the guts to speak out against human rights abuses in China, then we don't have the moral authority to speak out against human rights abuses anywhere on this planet. The legislation that both of us have pointed out, that has been a product of this Commission, would not have become law were it not for the leadership of Speaker Pelosi in the House. And I cannot thank her enough for her commitment.

So thank you, Mr. Chairman. I look forward to hearing from our witnesses as to their recommendations for how this Commission, Congress, and the United States Government can best advocate for the universal rights of the people of China. And with that, I yield back.

Chair MERKLEY. Thank you very much, Co-chair McGovern. Hopefully we'll be continuing to work together, though in different roles, shortly.

Congressman Tom Suozzi is with us from New York. He is retiring from Congress. We've really appreciated your service on this Commission and all the other excellent work you've done while serving in the House of Representatives. Would you like to share any opening comments?

**STATEMENT OF HON. THOMAS SUOZZI,  
A REPRESENTATIVE FROM NEW YORK**

Representative SUOZZI. Yes, Senator, thank you very much for your leadership of this Commission. We're very grateful to you for your professionalism and the great work that you've done over the past couple years. It's been a great honor to serve with you and with Chairman McGovern, who's been involved in human rights issues for so many decades, as well as Congressman Smith who's, I'm sure, joining us either electronically or will be joining us in person soon. And of course, it's such a great honor to follow in the footsteps of someone like Speaker Pelosi, who's really been a leader on human rights issues for such a long time.

As I look back on the 20-year anniversary of this Commission, I just want to quickly mention four dates—1972, 1989, 2001, and 2022. 1972 is when Nixon first went to China. And at that time, we thought the more that China was exposed to the United States and our way of life and the West as a whole, to democracy and to capitalism, the more that they'd become like us. We know today that that just simply hasn't happened. 1989, Tiananmen Square.

We thought, Wow, maybe something's going to happen here; people are really waking up to the realities of human rights abuse in China, and the people are rising up. And we saw that revolution crushed in that massacre. But people were paying more attention than before.

2001 is when China joined the WTO. Globalism was this new idea and we thought we were going to really benefit from China participating in the world economy. They can uplift their quality of life. They can participate in the world economy, and we can get cheaper goods in the process. Wow, what a great opportunity. And maybe they'll finally wake up to their human rights abuse and become more like the West in recognizing that they have to address human rights concerns. And that's when this organization was set up, soon after China joined the WTO. But today, in 2022, things couldn't be worse than they are. We see what's happening to the Uyghurs. We see what's continued to happen with the Tibetans, the repression in Hong Kong, the saber-rattling in Taiwan, and so much more.

This Commission plays such an important role here in the United States and on the world stage in trying to call to the world's attention these human rights abuses. We know this well because we look at it, because of the great work our staff does, the research that's done, the hearings that we hold, the experts that we listen to, like we'll listen to today. But the world doesn't really realize how bad things are in China. As the chair of the Uyghur Caucus, I'm particularly aggrieved by the way that the Uyghurs are treated, but all the different human rights abuses that I've mentioned continue to go on every day. We have to recognize that we're going to have to pay more for our jeans and t-shirts, but that's okay because we have to hold China accountable for the human rights abuse that exists. And I look forward to the work that this Commission will continue to do in the future. I'm excited to hear Speaker Pelosi as we celebrate, and thank her again for her leadership. Thank you, Mr. Chairman.

Chair MERKLEY. We are absolutely delighted to welcome the Speaker of the House. Madam Speaker, you have missed the accolades that we have been putting forth, pouring forth, really, recognizing that you were instrumental in the creation of this Commission and have been a champion for human rights, particularly regarding China, throughout these decades. We've so appreciated that leadership, that important fight for human rights across the world, and particularly in China. We are honored that you've come to share with us some comments today. Welcome.

**STATEMENT OF NANCY PELOSI,  
SPEAKER OF THE HOUSE**

Speaker PELOSI. Thank you very much, Mr. Chairman. Thank you very much, Mr. Chairman. And thank you for your great leadership of the Commission. Your values, your strategic thinking, and all the rest, are invaluable to the cause. I thank you and recognize that. I'm glad to be here with Mr. McGovern. In the House, we call him our spiritual leader, whether we're going to Tibet, or elsewhere in China, to make the case. And Mr. Suozzi, thank you for your leadership. We'll miss you here, but you took this on so seriously,

and I really appreciate that. And to your witnesses here today, welcome, and thank you for your courage.

I was a witness at the first meeting of this Commission. I was a brand-new whip of the House. I had just been sworn in as whip of the House. So it was the first testimony I ever gave as a member of the leadership. And today, this will be the last testimony I will give as a member of the leadership—but not my last comment on human rights in China.

In the interest of time, I will stick with my remarks, but there's just so much to be said about this subject, and how we could have done better as a nation since Tiananmen Square to avoid the situation we're in now. I see that they handed me this—China says it has taken U.S. semiconductor rules to the WTO. Imagine that. When I invited the chairman of the People's Congress to the Capitol—they had hosted us in China—and we were reciprocating, I said: I'm really sorry to bring up the fact, on your first visit here, that China is violating—it was announced that day that they were dumping rubber into the U.S. And I said, I hate to begin the meeting this way, but you shouldn't be doing that. And I can't ignore that fact.

And the chairman of the People's Congress had the chair of this committee and that committee of the People's Congress, a very distinguished group. And they said, Well, we all agree that when we joined the WTO they said we didn't have to obey that rule. So that was how they came into the WTO. But I thank the co-chair, Mr. McGovern. Thank you for your leadership. Thank you Chairman Merkley, for yours. It's an honor to join the Congressional-Executive Commission on China as we mark 20 years of tireless work on human rights. It seems like it went by just like that.

It's fitting that we do so just days after U.N. Human Rights Day, marking the adoption of the Universal Declaration of Human Rights in 1948. Sitting here, I recall that first meeting I talked about. In my remarks, I made clear that we must not abandon human rights for economic opportunity in China. As we gather today, our concerns remain just as salient and strong. So I'm grateful to all of you, to the CECC for organizing this timely hearing, "CECC at 20: Two Decades of Human Rights Abuse and Defense in China."

Thank you, again, Chairman Merkley, Co-chair McGovern, Congressman Chris Smith—in a bipartisan way we've worked on this issue for a long time. And thank you, Mr. Suozzi, for your leadership. You all have honored the long bipartisan, bicameral tradition of the CECC, the foundation of its remarkable success and lasting impact on policy. This has always been bipartisan. And that is so much the beauty of it. Excuse me. Let us salute the Biden administration for strengthening your work by appointing executive branch commissioners for the first time since 2014. Thank you, Mr. President.

As we all know, the Commission was established as the People's Republic of China acceded to the World Trade Organization. In 2000, I took to the House floor to urge my colleagues to block China from the WTO, arguing that we should not put deals ahead of ideals. As the world's strongest economy, America has a moral duty to link our trade relations with human rights. I just told you



how casual and cavalier the Chinese were about obeying the rules of the WTO.

However, there were those who argued that Beijing's inclusion in international business institutions would bring a wave of reform and progress. In doing so, corporate America and its allies in the United States Government—in our government—gave China a blank check, letting big businesses prosper from China's abuses and disadvantaging America's small businesses and America's workforce. Mr. Chairman, the U.S.-China Business Council, at the time that we were starting this fight 30 years ago after Tiananmen, had been in existence for over 70 years.

And they were getting pushed out of the trade situation by corporate America who was in there for insurance and finance, and all that. But our products were not given access to China unless we gave them our designs. And that still wasn't access to their markets but just made them competitors on the world scene, thereby disadvantaging small businesses and America's workforce, while we hoped that China would change its behavior on human rights.

But many of us knew—and the world has witnessed—that this approach was fated to fail. As we reevaluate the last 20 years, it is clear that delinking trade and human rights has not improved our trade relationship. Just think of this, my colleagues. When we were starting this discussion following Tiananmen Square, the China-U.S. trade deficit, their advantage in trade, was \$6 billion a year. I thought for \$6 billion, we can free the prisoners at Tiananmen Square, we can gain access to their markets, we can stop their proliferation of dangerous weapons that contribute to—weapons of mass destruction delivery systems, and the rest—for \$6 billion a year. Now it is more than \$6 billion a week—a week! And look what has happened in human rights at the same time.

At the same time, the CCP's exploitative labor practices created unfair competition for American business and workers—and prison labor—and it's a bad deal for American businesses too, subjecting themselves to intellectual property theft for access to Chinese markets. As I mentioned, you want to sell, you want to manufacture in China? You have to give them your designs. They no longer need you. They have your intellectual property. And then they say, but you can't compete—you can't sell in our market. We have your designs. We can sell in our market. We can now compete globally.

So meanwhile, in terms of human rights and the rule of law over the last 20 years, the more things change the more they stay the same. In the 1990s, we fought against Beijing's use of prison labor. Harry Wu, and there were so many other leaders, made big sacrifices documenting the use of prison labor. Now we're combating the use of forced Uyghur labor and concentration camps. Meanwhile, the world has witnessed the PRC's decades-long campaign of terror and repression to achieve total coercive control, including the aggression against the culture, religion, and language of Tibet, which we witnessed when we visited there.

The president of China had said to me when I complained to him, with Dianne Feinstein, about what they were doing in Tibet, he said: Go see for yourself. We've done great things in Tibet. I said, Well, thank you for that because I've been trying for 25 years to get a visa to go to Tibet. [Laughs] But since he was asking us

to go see for ourselves, we went. And Mr. McGovern was our spiritual leader on that trip.

So Tibet. The crushing of Hong Kong's autonomy and civil rights. What they're doing in Hong Kong—really? Intimidating the people of Taiwan, the jailing of dissidents like Jimmy Lai, Joshua Wong, Ilham Tohti and, of course, for such a long time now, the Panchen Lama.

One of the most sinister forms of torture is to tell the imprisoned, Nobody even knows you're here, or why you're here, so why don't you just confess to what we want you to confess to? But that's not true, because with the Commission's prisoner database we have made it clear to the CCP and to the world that America knows, remembers, and will call attention to it. Make no mistake about it, if we don't speak out for human rights in China because of economic reasons, we lose all moral authority to talk about human rights anywhere in the world.

That's why, led by the efforts here in the CECC, Congress has taken bold bipartisan action to bolster the defense of human rights in China. Our Uyghur Forced Labor Prevention Act will harness America's economic might to combat the genocide of the Uyghurs. Our Tibet Policy and Support Act makes clear America's commitment to the political rights of the Tibetan people. Our Hong Kong Human Rights and Democracy Act sent a strong message of support to the courageous protesters marching for freedom. And with our CHIPS and Science, we are investing in American workers and American industry, ensuring that we remain competitive with China, reducing our dependence on their factors of production for us to compete with them. With this President, we asserted our independence.

As we engage in this retrospective today, we must remain vigilant against putting deals ahead of ideals, business interests at the expense of basic rights, a trend many of us saw developing more than two decades ago, really since Tiananmen Square. And let us be unequivocally clear—America must defend all human rights, as you made clear in your statements earlier—I could hear what you all were saying, even though I wasn't in the room—we cannot and we must not discriminate. It is my hope that the Commission will continue to lead the charge now, and for 20 years more to come.

Thank you, again, to the CECC for the opportunity to participate today. And now I yield back to the distinguished co-chair, Mr. McGovern, with gratitude to all of you who are participating today.

Chair MERKLEY. Madam Speaker, thank you for summing that up. And that phrase, "do not put deals ahead of ideals," sums up so much of our effort to illuminate the abuses occurring in China, to advocate for dramatic improvements, to stand on the side of ideals. And thank you very much for your service over these decades.

Speaker PELOSI. If I may, Mr. Chairman, I want to salute you. Because you—all of us on the West Coast know how important trade with Asia is to the economy of our communities. And to balance the human rights and the trade issue is a challenge. But I thank you for your courage in taking the lead in such an important way. Thank you.

Chair MERKLEY. It's been an honor to do so. Thank you. We now will turn to our experts to take a look, to scrutinize these last two decades and what has transpired. I will introduce each of them now.

Teng Biao is a human rights lawyer and currently the Hauser Human Rights Scholar at Hunter College, City University of New York. He formerly taught at China University of Political Science and the University of Chicago. One of the earliest promoters of the rights defense movement and the New Citizens Movement in China, he cofounded two human rights NGOs in Beijing, the Open Constitution Initiative and China Against the Death Penalty, in 2003 and 2010, respectively.

Rana Siu Inboden is a senior fellow with the Robert Strauss Center for International Security and Law at the University of Texas at Austin. She previously managed the State Department's Human Rights and Democracy Fund China Program and served in several other roles related to China. Her book, *China and the International Human Rights Regime*, examines China's role in the international human rights system between 1982 and 2017.

Sophie Richardson is China Director at Human Rights Watch. She has overseen the organization's research and advocacy on China since 2006 and has published extensively on human rights and political reform in China, as well as in Southeast Asia. She is author of *China, Cambodia, and the Five Principles of Peaceful Co-existence*. She has testified before the U.S. Senate and House of Representatives, Canadian Parliament, and European Parliament.

Thank you all for lending your expertise to us for this hearing. Without objection, your full written statements will be entered into the record. We ask that you keep your remarks to about five minutes.

Mr. Teng Biao.

**STATEMENT OF TENG BIAO, HAUSER HUMAN RIGHTS SCHOLAR, HUNTER COLLEGE, AND POZEN VISITING PROFESSOR, UNIVERSITY OF CHICAGO**

Mr. TENG. Thank you very much. Thank you for your wonderful work for human rights in China, and elsewhere in the world. When Xi Jinping came to power, he hugely intensified the crackdown on human rights. He actually waged a war on law. Just as in 1989, when the CCP believed that the social liberalization and democratic movement had threatened one-party rule, it did not hesitate to crush the peaceful protests with tanks and machine guns. Xi Jinping abolished the two-term limit for the presidency, shut down thousands of NGOs, rounded up human rights lawyers and dissidents, persecuted all religious groups, and intensified censorship.

Since 2009, 159 Tibetans have self-immolated to call for freedom. And Hong Kong's freedom has been destroyed since 2020. And Uyghur genocide is still ongoing. Women were systematically raped and sexually harassed in the concentration camps, intellectuals and elites were purged, children were forcibly separated from their parents, a million Han Chinese officials were sent to live with Uyghur families. The Xinjiang Victims Database has documented 210 deaths in the camps. The real number must be higher than this.

What is extremely terrifying is that the CCP has established an unprecedented totalitarian surveillance system in China. At least half a billion surveillance cameras are installed throughout the country, and the number is still increasing sharply. A social credit system is expanding rapidly. Powerful phone trackers can connect one's digital footprint, real-life identity, and physical whereabouts. Facial recognition, voiceprint, and gait recognition capability, together with government-controlled big data, make privacy hardly possible. The authorities have collected DNA data from hundreds of millions of Chinese by cheating or by force. Social media controlled by the CCP—Weibo, WeChat, TikTok and others—are also effective tools to surveil all Chinese internet users.

By strengthening high-tech totalitarianism, the Chinese government's goal is to maximize its capacity to monitor everyone's every movement in every corner at every moment. Furthermore, COVID-19 has become a perfect excuse for the CCP to strengthen its control. Four hundred million people are under COVID lockdown. Every citizen is required to show a green health code and also a venue code and itinerary code to leave home. Before two human rights lawyers departed to meet their client, their health codes suddenly turned red, which was obviously a manipulation by the authorities to restrict their travel. The zero-COVID policy has been purposed more to tighten its perfect dictatorship than to fight coronavirus.

Some recommendations: Democracies should urge the Chinese government to release all political prisoners. I call your attention to the jailed prisoners of conscience, like Ilham Tohti. I have a slide show of photos of the leading human rights lawyer Xu Zhiyong and Ding Jiaxi. Xu Zhiyong and Ding Jiaxi, the leaders of the New Citizens Movement, and still in detention after secret trial. And also Wang Binzhang, Gao Zhisheng, Gulshan Abbas, Go Sherab Gyatso, and Jim Lai.

The Chinese government should immediately release all the protestors detained during the recent A4 revolution. I have confirmed that protestors have been tortured by the police. Peng Lifa, who hung the banners at Beijing Sitong Bridge, is the new Tank Man who inspired the A4 revolution. A girl, reportedly named Li Kangmeng, was the first person to hold a white paper. The whereabouts of Li Kangmeng and Peng Lifa remain unknown.

Democracies should also urge the Chinese government to stop its repressive policies in Xinjiang, Tibet, and Inner Mongolia, including restriction of their native languages, destruction of their cultural heritage, religious persecution, forced marriage, torture, and arbitrary detention. Democracies should stop appeasing the CCP regime. Not seeking regime change is the wrong message to send the CCP.

It's imperative to help the Chinese people jump the Great Firewall. When the Chinese people can access information from the free world, many of them will be awakened and will tend not to tolerate the brutal rule of the CCP. A bit more affordable technologies or equipment like VPNs will make a great difference. Democracies should sanction the global companies that are complicit in the CCP's censorship and surveillance. Cisco and some other tech giants facilitated China's Great Firewall. Zoom terminated the meet-

ings organized by Chinese activists and suspended the host accounts upon instruction from the Chinese government.

Today I request a congressional investigation of Apple. Apple has ceded legal ownership of its customers' data to a company owned by the Chinese government. Apple neglected labor rights violations in its supply factories in China and has removed the VPN apps from its app store in China. The company restricted the use of Air-Drop soon after the Sitong Bridge protest. Apple should tell the public where it received the instructions and where it has been complicit—and why it has been complicit—in China's suppression and censorship.

Because of my human rights work, I have been repeatedly kidnapped, detained, and tortured. But so many Chinese people have suffered and sacrificed so much. Many activists have even lost their lives, including the Nobel Laureate Liu Xiaobo. The recent A4 revolution has shown the world how eager the Chinese people are to demand freedom and democracy, and how much they are willing to risk in fighting against the dictatorship. It's our moral and political obligation to support the freedom fighters. The bottom line is, a business based in the free world facilitating the dictatorship should not be tolerated.

Thank you very much.

Chair MERKLEY. Thank you very much. Now we'll turn to Dr. Inboden.

**STATEMENT OF RANA SIU INBODEN, SENIOR FELLOW, ROBERT STRAUSS CENTER FOR INTERNATIONAL SECURITY AND LAW, UNIVERSITY OF TEXAS AT AUSTIN**

Ms. INBODEN. Thank you. Distinguished commissioners, fellow witnesses, and guests, it is an honor to be a part of today's hearing. In the 20 years since the CECC was established, one of the most profound changes is an emboldened China that actively works to dilute U.N. human rights procedures and norms. This manifests in a number of ways.

First, China is leading a coalition comprised primarily of Global South nations, as well as Russia, that constrains the international human rights regime. This group, which numbers nearly 50 nations, goes by the generic title the Like-Minded Group, and advances 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. This group acts as a mutual defense network, shielding each other from scrutiny.

China, for example, defended Iran, Myanmar, Syria, Belarus, Eritrea, Nicaragua, Venezuela, and Sri Lanka. Beijing also mobilizes these countries to divert attention from its human rights record. Earlier this fall, when a resolution on Xinjiang was introduced in the Human Rights Council, it failed with 17 nations voting for, 19 nations voting against, and 11 registered abstentions. Among the 19 nations voting against the resolution, 11 have affiliated with the Like-Minded Group.

The U.S. must respond by seeking to draw nations away from this group. Although a number of these countries are severe human rights violators, not all of them fit neatly into the autocratic camp.

They align with this group partly out of a sense of global solidarity, rather than a zeal for authoritarian practices. Some of these countries could even be described as swing states, such as India and Indonesia. The U.S. State Department should make clear to these states that their affiliation with this group undermines human dignity.

The lack of a vigorous U.S. presence on the Human Rights Council has allowed China to co-opt this body and secure passage of resolutions that defend dictators instead of human rights victims, challenge the universality of human rights, and favor anemic dialogue over robust accountability. The insertion of Xi Jinping's slogans also indicates that the PRC uses these resolutions to extend the CCP's influence abroad. The U.S. retreat from the Council served China's interests and enabled it and other autocrats to fill this vacuum. Unfortunately, we now see a mushrooming of authoritarian influence.

China and a number of other repressive nations devote considerable resources to staffing their missions, enabling their diplomats to master U.N. rules and build relationships with other states in Geneva. The U.S. must respond with a proactive presence by increasing staffing for its mission and ensuring that American diplomats have the resources and opportunities to gain relevant U.N. expertise and build bridges with other members of the Council. A reinvigorated posture in Geneva that includes paying diplomatic attention to smaller states and identifying shared human rights concerns with other nations, can counteract China's influence.

The U.S. should use its speaking time during the Universal Periodic Review process not only to list China's myriad human rights violations, but to specifically call for the release of prisoners such as Uyghur Ilham Tohti, house church pastor Wang Yi, Tibetan Yeshe Choedron, and human rights defender Qin Yongmin. While China has sought to debilitate from within, the U.S. needs to think about strengthening from within.

China has also misused its seat on the U.N.'s Economic and Social Council's NGO Committee to block the applications of a number of civil society groups seeking U.N. consultative status. China has actively blocked applications from organizations working on human rights. Between 2016 and 2019, repressive countries were responsible for blocking the applications of 964 NGOs, with Beijing leading this obstruction. The U.S. State Department has begun rectifying the authoritarian dominance on the NGO Committee by calling for votes on stalled applications.

Using this maneuver, earlier this month the Economic and Social Council voted to award nine NGOs U.N. accreditation. While the State Department, especially the U.S. mission in New York, should be commended for this, roughly 1,000 NGOs, including a number of organizations that work on North Korea, remain in limbo in this committee. The U.S. should continue to use this kind of proactive and inventive diplomacy.

Even as the Chinese government contests the universality of human rights, the protests last month remind us that the desire for human dignity resonates deeply with the Chinese people. Thank you.

Chair MERKLEY. Thank you very much, Doctor, in particular for illuminating the Like-Minded Group and the importance of the U.S. strengthening our response.

Dr. Richardson.

**STATEMENT OF SOPHIE RICHARDSON,  
CHINA DIRECTOR, HUMAN RIGHTS WATCH**

Ms. RICHARDSON. Chairman Merkley, Co-chairman McGovern, distinguished members of the Commission and fellow panelists, thank you for inviting me to join you today. And many congratulations on two decades of the Commission's work. It has been an extraordinary partner in its exemplary research and advocacy, and its genuine bipartisanship.

My written testimony details the methods and implications of the Chinese government's increasingly active anti-rights posture across the United Nations human rights system, a system that matters because too often it is the only means of redress and accountability for people living under governments that either fail to protect them or violate their rights. At the time this Commission was formed, Beijing was content to merely try to block scrutiny of China within the U.N. human rights system. Two decades later, Beijing aspires to remake it.

We have documented obstruction of independent civil society organizations, roadblocks put up to weaken treaty body reviews, efforts to strip peacekeeping operations of human rights funding, and increasingly vitriolic attacks on the mandates of independent human rights experts. Beijing is now also chipping away at established human rights norms, with a view, we fear, toward trying to change black-letter human rights law.

Beijing's goal is not just to weaken scrutiny of its own appalling human rights record. It is also to weaken the architecture as a whole, making it harder to address other global human rights crises. In September, the Chinese government was one of only three states voting against a resolution to renew the mandate of a special rapporteur on Afghanistan. In November, it was one of only six governments to vote against a fact-finding mission on Iran.

The system is showing some signs of resilience—the August publication of a strong report by the Office of the High Commissioner for Human Rights, detailing possible Chinese government crimes against humanity targeting Uyghurs and others, and the recent remarks by the new High Commissioner Volker Türk taking ownership of that report. Key treaty bodies, including the Committee on the Elimination of Racial Discrimination and the Committee against Torture, and extraordinary collaboration by special procedures, have kept a focus on Beijing, despite the Chinese government's hostility.

Just last week, as Professor Inboden just mentioned, Beijing and other authoritarians lost a long-running battle to block accreditation of several civil society groups. But it bears pointing out that at least one of them had waited 15 years for such status. And the reality is that the threats are far greater. The U.N. human rights system is byzantine, susceptible to politicization, and deprioritized by democracies—precisely the kind of vacuum in which the Chinese government has thrived. That there has not yet been a debate at

the Human Rights Council about Beijing's ongoing crimes against humanity speaks to its capacity to ensure impunity. That activists for the people across China have no meaningful access to this system does too.

What needs to change? First, democracies should exceed Beijing's anti-rights ambition, determination, and resources, partly by forming a coalition to strengthen the human rights system. They should work together to ensure that every human rights space—every position, election, fund, agency, norm, and pro-rights reform across the U.N. system—is protected. It is encouraging to hear that with bipartisan support the State Department has created a new office, the Office of Multilateral Strategy and Personnel, to take on some of this critical work. But please consider whether these resources are sufficient to the task of coordinating with other democracies to challenge Beijing.

Second, democracies should be wholly committed to pressing for an investigation into Chinese government crimes against humanity, both because of the scope, scale, and severity of the crimes but also as a critical test of the U.N. human rights system's resilience. There should be no political or diplomatic wavering. Some in Congress or the administration may see the October Human Rights Council vote as a loss. We strongly encourage everyone to see it as a victory in the longer effort toward holding Chinese government officials accountable. It would be a loss for human rights and a big win for Beijing if there were no further efforts to discuss the U.N. Xinjiang Report at the Council and to establish an independent international investigation.

Third, democracies should support civil society organizations, particularly ones from China blocked by Beijing, to share their work and perspective directly in capitals and across the international system. Democracies should press at the highest level at the United Nations for better protection of these activists and to ensure that all cases of state reprisals against them are investigated and addressed.

A last thought: In early 2000, around the same time that the 106th Congress was drafting the legislation to establish this Commission, Liu Xiaobo was starting to write again following a three-year "reeducation through labor" sentence. In an essay from around that time, he urged attention to "the people who have suffered terribly because of abuses of power or dereliction of duty in government," noting that "whoever remembers such people, even if it is only to stop for a moment to say a silent prayer for them, is honoring the fundamental human condition."

So our sincerest thanks to the CECC for two decades of precisely such efforts to honor the human rights, the fundamental human condition, of people across China. Thank you.

Chair MERKLEY. Thank you, Dr. Richardson.

We'll now enter a period of questions. I'll ask you to keep your responses as concise as possible. We'll try to get through them.

Dr. Teng, I observed your comment that the Chinese government seeks to monitor every movement at every moment of its citizens, as a way to describe the overwhelming high-tech surveillance and oppression. I particularly want to observe the white paper protest, often referred to as A4, because of the size of the paper.



The idea that you protest by saying nothing is so powerful, because you know why people are protesting, but they can't say so because they'll be arrested for saying so. And maybe they'll be arrested for saying nothing. But holding up that white paper I thought was just an extraordinarily innovative way to say the system must change. And I want to applaud every member of the Chinese citizenry that has stood up holding that white paper. It's been very, very powerful.

We have seen these protests and wondered whether these are fueled not so much by the COVID lockdown, but by so many other concerns and grievances, particularly among younger Chinese. So what does that protest say, as we look to the future? Is this a limited event or is this an event that paves a path for much more resistance to the overwhelmingly oppressive tactics of the Chinese government?

Mr. TENG. Thank you very much. Yes, there's nothing on the white paper, but everything is already on it. On the white paper, you know, there was anger, the frustration of the COVID lockdown, and also the desire for freedom and democracy in China. It's really amazing, under such totalitarian surveillance, that so many Chinese people took to the streets to demand freedom and democracy. Not only the end of the zero-COVID policy, but also in Shanghai and Chengdu, people were chanting: Communist Party, step down! Xi Jinping, step down! No autocracy, we want democracy! Like that.

And now the protest has been crushed by mass arrests and detentions. The Chinese Communist Party is still arresting protesters. And many of them have been tortured. And we don't know how many have been detained. But this wave of protest and the A4 revolution are extremely important, though this time Chinese people are not able to change the political system. But so many Chinese people have overcome their fear, and if the Communist Party does not change the zero-COVID policy, then that kind of anger will accumulate.

But if the current COVID policy is loosened, it could be seen as encouragement to the protesters, to the Chinese people. And then it provides more opportunity for further protest. So generally, I don't know when the next protest will be, but we have seen more and more that the Chinese people do not want to tolerate this brutal dictatorship, especially the one-man—that's Xi Jinping—dictatorship. And I believe there will be a larger-scale peaceful movement for democracy.

Chair MERKLEY. Thank you very much.

Dr. Inboden, in recent years Freedom House has identified authoritarian collaboration—a subject you have studied extensively—as an enabler of transnational repression, with China taking a leading role, something that we have been holding hearings on and illuminating here on the Commission. How do you assess the problem of authoritarian states collaborating with one another to suppress rights outside their borders? And what is our best response?

Ms. INBODEN. Thank you for that excellent question. The problem of transnational repression is one that reaches even into the United States. Teng Biao, my fellow witness, can testify to that, having personally known people or perhaps himself feeling the long

reach of the Chinese government. In order to combat this, the U.S. should do several things. First, at the U.N. Human Rights Council, the U.S. should consider advancing a resolution that tackles the problem of transnational repression.

Also, because the problem of transnational repression is abetted by authoritarian collaboration, the U.S. needs to respond with a transnational coalition that pushes back against this. The U.S. can build this within the U.N. Human Rights Council, as well as outside this body. And finally, even as Freedom House, civil society groups, and the State Department have become increasingly aware of transnational repression, law enforcement in the United States also needs to be aware of the kinds of help that people like Teng Biao and others who have fled repression in their countries need when they face repression here in the United States. Thank you.

Chair MERKLEY. Within the context of that response, of countries working together to respond, what is the thing that would be most effective in persuading Chinese officials to say, Yeah, we're no longer going to send people out to threaten a Chinese expatriate in the United States, to threaten their family back in China, because the U.S. will respond in this fashion? In other words, what is the single most effective thing that would make Chinese authorities think twice about this strategy?

Ms. INBODEN. I think the U.S. move to raise several court cases highlighting this problem, and prosecuting, is an incredibly important step. The U.S. also needs to be aware of how the Chinese might use their presence here in the United States under the cover of diplomacy and others to place agents here to engage in repression. And so there needs to be a thorough investigation into this. And finally, China is still sensitive to its global image. So I commend the U.S. Government for advancing three court cases in the same day. I think this sends a very powerful message.

Chair MERKLEY. Thank you very much.

Co-chair McGovern.

Co-chair MCGOVERN. Thank you. Dr. Richardson, this Commission's mandate is to monitor China's compliance with international human rights standards. According to the U.N., United Nations human rights treaty bodies have confirmed that sexual orientation and gender identity are included among prohibited grounds of discrimination under international human rights law. This Commission has found that the LGBTQ community in China continues to face persistent stigma, widespread discrimination, and harassment and that Chinese government authorities increased restrictions on LGBTQ advocacy and organizing, as they have done with other advocacy groups.

Do you believe that the Chinese government is obligated to respect the rights of LGBTQ persons in China? And is it appropriate for this Commission to monitor its compliance? What is Human Rights Watch's view on the subject?

Ms. RICHARDSON. Yes—to all of those questions. I mean, first of all, it's an issue that we have tracked and reported on. The most recent full-length report we documented on this topic was about forced conversion therapy in medical settings in which mostly adult LGBT people had been forced by their parents to go to clinics that promised to "cure" them, regarding their sexual orientation. But

LGBTQ rights are protected, as is every other human right, by way of all of the core international and human rights instruments. And even if the text of the treaties themselves does not explicitly make reference to sexual orientation, comments by the Human Rights Committee, which is the entity that interprets the treaties, have made clear that those rights are absolute. So, yes, it is appropriate to expect that of the Chinese and, yes, it's an appropriate issue for the Commission.

Co-chair MCGOVERN. Thank you.

Dr. Inboden, your testimony gives an insightful look at how China uses its allies to deflect human rights criticism within the U.N. system. I appreciate that you've written a book on the subject. My question is whether there is a way to avoid blocs in the Human Rights Council, or other bodies, so that debates over human rights don't devolve into power contests between one group and another. How do we keep the focus on international principles and law?

Ms. INBODEN. I love that question. I think, first of all, even if we are facing a geopolitical contest of sorts, we should not let this seep into the U.N. Human Rights Council. The U.S. needs to have a principled position in the Council and when it raises China, be clear that we are raising it out of a concern for the violations in Xinjiang, not about our own concerns about geopolitics. I also strongly think that the U.S. needs to build more bridges across regions so that when it does advance resolutions it has those relationships to secure support. I also think that the U.S. needs to be open to providing training or opportunities for diplomats from smaller states that have fewer resources to gain expertise in U.N. procedures and norms and could even host that in the United States.

Co-chair MCGOVERN. Thank you. I guess this is a question for you and probably Dr. Richardson. In both of your testimonies you speak to the importance of working from within an imperfect U.N. system. Regarding the advantages of being in the room when debates actually happen: In June 2018, the Trump administration unilaterally withdrew from the U.N. Human Rights Council at a time when China had a seat. From the perspective of winning over allies on human rights advocacy, is that withdrawal a model to be repeated or avoided?

Ms. RICHARDSON. No, of course it's not a model. Look, democracies need to not just show up and defend human rights issues; they actually need to make the U.N. system as expansive, with respect to rights, as they possibly can. But they also have to invest in these initiatives. You know, Professor Inboden's testimony spoke to the resources that some governments invest in thwarting scrutiny and weakening these institutions. I think it is critically important for the U.S. and other democracies to meet and match that.

It's hard to do, I think, because people in the United States have other means. And other democracies can expect free presses, and functional court systems, and hope to find accountability or redress within their own systems. But I think if democracies want people in authoritarian systems to be best equipped to argue for their own rights and to find accountability, this is the system that has to be made to work.

Is it flawless? Of course it isn't. Is it the system that Human Rights Watch would design? Of course there are changes and reforms that are necessary, but ceding the field to a regime like the one in Beijing is not helpful. I mean, we're all familiar with the phrase, "nature abhors a vacuum." Nature has not met the Chinese Communist Party. And leaving this system to that government's instincts has profound implications not just for 1.4 billion people across China, but people all over the world, including the United States. It has to be made to work well.

Ms. INBODEN. I'd like to add that I think the United States needs to start thinking about the U.N. Human Rights Council in a different way; thinking about fighting from within. You can't win these fights if you're standing outside the Council. And I would build on Dr. Richardson's point. The CCP loves a vacuum. And they have taken advantage of this. I would also say that the Xinjiang resolution was actually winnable. If you look at the votes, there were several abstentions. There were several states that, with more vigorous lobbying, I believe the United States and other democratic allies could have convinced those countries to vote with us.

There's also a bright spot in the U.N. human rights system that Dr. Richardson and I have spoken about or included in our written testimony. And that's the special procedures system. Many of them have been speaking out jointly with very strongly worded statements condemning China for the violations in Xinjiang and Hong Kong. Keeping those mandates healthy is very important, and those mandates are renewed through resolutions. If the U.S. is not there fighting to keep the language strong and make sure that the people who are appointed to those mandates have integrity and character and the right kind of expertise, the autocratic camp will start chipping away at that part of the U.N. human rights system.

Co-chair MCGOVERN. Thank you. My time has expired. Thank you very much.

Chair MERKLEY. Congressman Smith.

Representative SMITH. Thank you, Mr. Chairman. Oh, Mr. Suozzi, you were here first?

Representative SUOZZI. Mr. Chairman, I have to go to another meeting. Would it be OK if I just did this quickly?

Chair MERKLEY. I think everyone is yielding to you.

Representative SUOZZI. Thank you, Mr. Chairman. First, let me put on the record that I discussed with you earlier that I have a constituent from Syosset, New York who is being imprisoned in China, Mr. Kai Li. The U.N. has declared that he's being held arbitrarily, and there's not been any proper process whatsoever. And I need the Commission's help to continue to try and advocate for his release. We'd like to try and get a meeting between his family and President Biden. Anything you can do to help, I would appreciate.

I want to thank the witnesses so much for the great work that they do, not just here today but throughout their lives. We're so grateful to them for the work that they do. Looking back at the 20 years, so much good work has been done by this Commission, but there's more work ahead. I want to take advantage of the oppor-

tunity of your expertise to just ask: What do you think the next three hearings of this Commission should be about?

You know, we've had hearings under the chairman recently on transnational repression. I think a great idea coming from the things we're hearing today is, What should the U.S. role be in the U.N. to hold China accountable, and what can we do as the U.S. Government and as a Commission to hold the U.N. more accountable for their treatment of China, and to bring in expert testimony on that. But I'd like to ask each of you to give me one suggestion as to what you think a hearing of this committee should be over the next two years that you would love to see us delve into in detail.

Mr. Teng.

Mr. TENG. One suggestion is, as I just mentioned—we should investigate the role that American and global companies play in the repression of freedom in China. Many, many tech giants and other American companies are involved in human rights violations, like labor rights violations and censorship and surveillance. These companies provide technology, the equipment, and training to the Chinese government to facilitate surveillance and censorship. So that's one thing we should organize a hearing on.

The second I can recommend is political prisoners. So many people, like writers, bloggers, lawyers, and human rights defenders, even foreign citizens, and religious practitioners—the believers—and, of course, Hong Kongers, Tibetans, and Uyghurs are in prison or in the camps. We should know the details of how the Chinese government treats these people—you know, how these people have been arbitrarily detained and tortured. So that's two ideas.

Representative SUOZZI. Okay. Thank you.

Ms. INBODEN. Thank you. That's an excellent question. First, I think the U.S. should have a hearing on how to work with other allies, especially in Europe. This is because even though the U.S. took the wonderful step of passing legislation, the risk is that some of the tainted cotton that is produced with Uyghur forced labor will just be diverted to other markets. I really think that the U.S. needs to be a leader on this and figure out how to convince other democratic allies to take similar steps.

Representative SUOZZI. Even a joint hearing would be a good idea, with some of our European allies.

Ms. INBODEN. That's an excellent idea. I also echo Teng Biao's mention of the private sector. We need to figure out how to exert the right kind of pressure, because the private sector on its own has not been a partner in this. In fact, over the decade that I've been working on this, I've seen how the private sector has, at critical times, undermined efforts. But they can play a positive role, because I think there are opportunities—especially the tech sector. We need to look at encrypted technology and how that can help dissidents.

Finally, I think that an effort to help people think about how to build bridges across communities that are repressed by the Chinese government is a useful one. Figuring out how Tibetans and Uyghurs can work together, figuring out how house church pastors who are repressed can work with human rights defenders. I mentioned the case of house church Pastor Wang Yi. He also has a

background in political activism. The combination of his work leading a vibrant church in Chengdu and his political activism has landed him in prison, and so I think figuring out how to have a united front against the CCP would be very useful.

Representative SUOZZI. Good idea.

Ms. RICHARDSON. I came up with five, sorry. [Laughs] First, companies, please, please. From Apple to Thermo Fisher, please get them in here and ask them questions about their human rights due diligence strategies; second, a discussion about both domestic and international means for accountability for crimes against humanity targeting Uyghurs. You know, there are opportunities under U.S. law, not just through an institution like the Human Rights Council.

Okay, I'll just add one other, which is we continue to be extremely concerned about Chinese government threats to academic freedom in the United States, particularly as it pertains to students and scholars of and from China. Schools keep saying to us, We've got rules; it's under control; everybody has the same degree of academic freedom. We beg to differ. I think it would be very important to have a discussion in a forum like this with people who are informed both about the nature of the problem, but also who are well equipped to offer up suggestions about solutions. I think it is an enormous problem that people come to campuses in the U.S. expecting to be able to freely study and debate certain ideas, but then have an experience that leads them to say to us things like, Why did I come? That's a fixable problem.

Representative SUOZZI. Thank you for your excellent suggestions. Mr. Smith, thank you so much for yielding. Mr. Chairman, thank you so much.

Chair MERKLEY. Congressman Suozzi, thank you for your, I believe, four years of service on the Commission. And as you head into new chapters, I want to thank you for spotlighting Kai Li, your constituent from Syosset. I'll follow up with you to brainstorm about how we might bring even more attention to that case.

Representative SUOZZI. Thank you so much.

Chair MERKLEY. Thank you.

Congressman Smith.

Representative SMITH. Thank you very much. I too want to thank Tom Suozzi for his extraordinary contributions, not just to this Commission but to the issue of human rights in China. He formed the Uyghur Caucus and invited me to come and co-chair it with him. We've worked on issues related to Xinjiang ever since it became apparent that not only are they being discriminated against but actually genocide on a huge scale is being committed against the Uyghur people and others in that area. So I want to thank him for that. The Hong Kong Human Rights and Democracy Act, he and I did that together.

I also want to thank Scott Flipse. It was his idea in the first place, back in 2014, that we do it. I think that makes a difference. We have tremendous staff on this Commission. And it does make a difference, because it helps us do a better job. We get unbelievably effective and informed witnesses, as we have here today. It's always good to see Sophie, and the others. But again, Tom, I want

to thank you. You have made such a difference and will continue to do so as we go forward. So thank you.

Just a few very brief remarks, Mr. Chairman. I would ask that my full statement be made a part of the record. Oddly enough, I voted against creating this Commission. Why? It was part of the PNTR vote. It was put into the PNTR ending MFN and annual reviews as a way of saying, See, we still care about human rights. And I said, Do a separate bill on a China commission. Don't try to sweeten what I think is an egregious mistake, and it was—getting rid of at least the annual review of MFN.

You know, my good friend Jim McGovern made a very good point about how foolish it was for us to leave the Human Rights Commission, flawed as it is. We need to be a voice that becomes even more powerful, not less. I openly criticized the Trump administration when they did that, and I wrote letters to them asking that they reconsider, because I think having that voice and the ability to organize inside even a council that is filled with rogue nations can help mitigate some of the worst abuses that they commit, and they do commit huge abuses.

We all know that we missed an opportunity when the commission became the council, and all the fanfare about how the Human Rights Council was different and was a reformed product of the flawed commission which preceded it. It's the same thing. It's just turning the page, putting a different name on it. I remember speaking to people like Kofi Annan and others to say, Get this right.

You know, having rogue nations sitting in judgement, forming partnerships—the way China and so many others do—to prevent scrutiny and to go after other countries, including Israel—you know, for a country that is that small, and is a democracy, for it to get the focus at the UN almost exclusively—there are more resolutions on Israel than all the other countries in the world combined. That's ludicrous. And it shows, I think, an antisemitism that is very, very unseemly. That being what it is, we need to be there. And we are there. And we need to work it very, very hard. And maybe some good things occasionally will come out of it, and some of the worst abuses that get overlooked and trivialized will get the kind of hearing that they need.

I just want to say too, that this Commission has a tremendous staff. And our prisoners list—in 2008, Frank Wolf and I went over, three weeks before the Olympics, because they were rounding up all the dissidents so the press wouldn't be able to talk to them. It was the last time I got a visa for a very long time because they penalized Frank and me for that. But what did we bring? Our big prisoners list. And we had a press conference there. We went through names. We said, This isn't about the Olympic Games. You know, they should go to a country that at least isn't abusing its own people, even while the Games are going on, and rounding up the usual suspects, the best and the brightest, so they can't talk to the press.

We went through that and they threatened to throw us out, but they didn't. But again, it was the prisoners list produced by this tremendous Commission and its staff. And I put emphasis on the staff, because they're the ones who did it. I've chaired a number of

hearings of this Commission. I've served as chairman, co-chairman, ranking member. And when you add it all up, with my subcommittee on human rights over on the House side, and working with Jim over on the Lantos Commission, I've chaired 76 hearings on human rights abuse in China. Still not enough. We need more laws. We need more implementation of those laws. Jim, great job on the Uyghur legislation, but how well is it really being implemented? We need to hold the administration's feet to the fire.

And I don't care who is in the White House. When it comes to somebody who is being tortured and languishing in a political prison, or a gulag, or a laogai, reform through labor camp—which they say they got rid of—we've got to be very, very honest and aggressive in calling that out. I called Bill Clinton out, and I know my colleagues know this, when he delinked human rights from China on May 26th, 1994, and I was all in for applauding Clinton for linking them one year before by executive order. And it was a tremendous executive order. We lost so much. They took the measure of the United States of America and our government and said: All they care about is profits; and human rights is a sidebar issue, if it's even that.

Many of the people—and I think some were very well meaning, thought if we just traded more, they would matriculate from a dictatorship to a democracy. That's been blown apart. That is false. I always thought it was false. Others, like Nancy Pelosi, our Speaker, with whom we worked very closely, along with Frank Wolf and others—we all thought that was false. Have the linkage. You know, say it matters. And we'll even get a carry-over effect on intellectual property, because the rule of law is more likely going to be adhered to.

Much has to be done going into next year. Chairman, thank you for your leadership. Thank you, Co-chair, for your leadership this year and last on the Commission. And you know, we've got to work very hard. I love the question about what we need to do next year in terms of hearings and thank you for that. Please feel free to convey that to all of us as we go forward. We've got much to do.

The organ harvesting issue—as Jim and I know, we did a hearing in the Lantos Commission. Fifty to a hundred thousand people every single year are having their organs ripped out, two to three organs per person, and they're the healthiest people in China. They're believers. They're Falun Gong especially, and others who are picked out. Average age, 27 to 28, as you know so well. We have not done enough to rein in that horrible Josef Mengele-type abuse that's being committed as we sit here in a hearing.

So thank you. Thanks to our staff. Thanks to our co-chairs for a great two years of leadership. And may it continue. I yield back.

Chair MERKLEY. Thank you very much for your advocacy over so many years, and the intensity and passion that you have brought to standing for human rights of all citizens, but in particular in regard to China.

Dr. Richardson, we've banned the import of products of forced labor from Xinjiang, and other coercive labor arrangements in China. We're working to make sure the United States Government robustly implements the law, but it's more effective if the United States is not acting alone. What do we need to do to broaden the



coalition to send this message that the slave labor in Xinjiang is unacceptable and that the products will not be allowed anywhere in the rest of the world?

Ms. RICHARDSON. First, I think Congress is particularly to be complimented on the overwhelming support with which the UFLPA was adopted, because I think that sent a very powerful message to parliaments in other democracies about the unacceptability of subsidizing forced labor and that nobody should want to buy products that have been made that way. There are initiatives underway, both across the European Union and in Germany and a few other democracies, to adopt somewhat similar constraints. They're structured in different ways. They don't necessarily apply to companies of all sizes. I think they will be helpful in limiting goods. They are not as, I think, definitive or broad as what the UFLPA imagines.

I also think it would be very important—and if I may seize the opportunity to suggest another possible hearing topic—to revisit the UFLPA regularly and publicly, to understand what's working, what's not. There are a lot of people across the community—Human Rights Watch is a proud member of the Coalition to End Forced Labor in the Uyghur Region—looking at whether, for example, adequate resources have been provided to CBP to inspect goods properly. It's early days, right? It's a new piece of legislation. It asks for different things of the regulatory authorities. And I think it will be useful to revisit that, but also maybe use that as an opportunity to coordinate with some democratic allies to push for a similar approach. Because obviously the effect is much greater the more states adopt similar legislation.

Chair MERKLEY. Thank you. I think that's something we really have to follow up on. And Dr. Teng, I wanted to ask you about the state of the lawyers who defend rights in China. So many of them have been imprisoned or silenced. Is it still possible for a Chinese citizen to get any true legal assistance when being unjustly held or imprisoned for expressing an opinion or perhaps holding up a piece of white paper?

Mr. TENG. Since 2015, in the 709 Crackdown, more than 320 human rights lawyers were detained or were disappeared. Some of them are still in prison. Now it's extremely difficult for the human rights lawyers and other human rights defenders to defend human rights and freedom in China. Some human rights lawyers still continue their activism; they try to take human rights cases, politically sensitive cases, but they face harassment and intimidation from the authorities. Now it's very dangerous.

For the past two or three years, more than 60 human rights lawyers have been disbarred. They have difficulty even earning a living. I know recently a group of human rights lawyers in China publicly announced that they wanted to provide legal assistance to the protesters of the A4 revolution, but they were harassed and prevented from doing so. One of them, Wang Quanzhang—all of her case files were taken away by the local authorities. It's a clear message that the Chinese government doesn't want to see any human rights lawyers in any sensitive cases.

Chair MERKLEY. Well, I believe when there are no human rights lawyers, there's no human rights. And that's a real sign of that. I'm

going to defer now to Congresswoman Wexton, who has joined us electronically.

Representative WEXTON. Thank you so much, Mr. Chair, and Jim. I also want to thank the witnesses for being here today, and for the very important work that you do to preserve human rights in China.

I do have some questions for you, Dr. Richardson, about the U.N. report from the commissioner of human rights. It was published in August. It actually went a little bit further than people really thought that it would, so I'm curious as to whether you can speak a little bit more to that report, and just talk a little bit more about whether there are any updates or critical facts that we need to be aware of that have been happening since that August report.

Ms. RICHARDSON. Thanks for the question. It is our view that the report was quite strong, both in its findings that drew on interviews but also drew extensively on Chinese government documents, press conferences, and other state materials. I think it's worth pointing out that the Chinese government has not dismissed any of the material on which the report is based. It has not rejected its own materials in trying to undermine the credibility of that report. I think it is very important that the report suggests the possibility that the Chinese government has committed crimes against humanity.

It may be worth mentioning here that it's our understanding that the report phrases it as "may possibly constitute international crimes, including crimes against humanity," simply because the Office believes that that judgement—whether it is crimes against humanity or not—ultimately falls to a court, and not to them. They are not, I think, in any sense trying to underestimate the scope or the scale of the crimes.

I think the most important developments since the report was actually published involve the new high commissioner having publicly taken ownership of the report. The Chinese government, and a number of other governments, tried to say that because the report was not a product of a voted resolution, for example, that it did not have legitimacy. I think the new high commissioner, having said that he owns the contents and respects them, is important.

The key now, I think, is that a report like this, meaning one that makes such strong allegations, actually be the basis of a briefing for member states, possibly an intersessional briefing, in order to maintain the momentum toward the establishment of an investigation.

Representative WEXTON. Right, because there hasn't been much follow-up and action items as a result of what the report says. I'm glad that it goes as far as it does, but there still needs to be more action, clearly.

Can we get an update from you about what things look like on the ground in Xinjiang? You know, how many people have been transferred to long-term prisons, forced labor centers? Do you have any update about what things are like there? Are things improving or are they getting worse in the wake of this report?

Ms. RICHARDSON. I think it's fair to say that the situation is a bit changed. I would certainly not say that it has improved. You know, we're talking about a region that's effectively an open-air

prison. Even if the Chinese government radically changed its policies tomorrow, it's our view that the government officials who are responsible for crimes against humanity still need to be investigated and prosecuted. We published in September an analysis of the shocking number of cases that have been prosecuted through the formal legal system, we think with a view toward trying to create a veneer of legitimacy, to try to suggest or somehow substantiate that there are such profound problems in the region that the authorities have had to prosecute unprecedented numbers of people.

We found this particularly strange logic. You know, we're talking about one of the most heavily policed regions of an already heavily policed country. And the idea that there had suddenly been a crime wave that would have yielded such a high number of prosecutions strained credulity, to put it politely.

Representative WEXTON. It was horrible, horrible that 40 people died in Xinjiang in the apartment fire in Urumqi. But it did spark these protests, which you're seeing across the country. As we have always seen in China, whenever there are protests, there's pushback. What do you think this means about the future of the resistance and government rule in Xinjiang and beyond?

Ms. RICHARDSON. I don't think there's much evidence to suggest that the protests across the country were in any way coordinated. I would certainly defer to my fellow panelists to add to this. But I think what's very clear is that people had not just had a guts full with respect to the lockdowns, but also, as Professor Teng spoke about earlier, people went out on the streets and called for Xi Jinping to step down and for an end to Chinese Communist Party rule.

Even if we are all tracking in this moment, in the days and weeks and months to come, what's happening to protesters who have been detained, often it takes a long time to find out what's happening to people. Even if people may feel deterred in this particular moment as a result of the kinds of detentions right after these protests, I think it's fairly clear that people across the country are very interested in their rights. They are willing to go out onto the streets. They are taking the risk of being identified and seeing, I think, in a sense, the fruit of their protests, that the government has backed down, that there have been relaxations of the restrictions.

Some of the authorities have now said that they will even dial back some of the means of electronic surveillance that were implemented specifically around COVID. We'll believe that when we see it. I want to be clear that just because they've said they're going to do it doesn't mean it's actually happened. But surely this is encouraging to people, the idea that they can protest and demand respect for rights, and that policy changes ensue, I think, is emboldening. We'll see what that means in the coming weeks and months.

Representative WEXTON. It would not be at all surprising if the CCP then decided to crack down even more on people, because that is historically what has happened in the past. That's one other thing I'm worried about. I hope that we in the U.S. and throughout

the international community will continue to support these protesters. Thank you so much. I'll yield back at this time.

Chair MERKLEY. Thank you very much, Congresswoman. We'll now turn to Co-chair McGovern. Congressman Smith also has additional questions.

Co-chair MCGOVERN. I just have one question for all of you. Do you think it's warranted for the United Nations to appoint a special rapporteur on China? And if so, how would the U.S. Government go about this?

Ms. INBODEN. I would love to see the appointment of a special rapporteur on China. That would have to be done through a resolution. The fate of the Xinjiang resolution tells us that if the U.S. is going to pursue that, the U.S. needs to be very concerted in its lobbying, start earlier than it did in the session, whereas the Xinjiang resolution was introduced relatively late. The U.S. presence in Geneva also needs to be stepped up, with a bigger delegation, higher level delegation. The U.S. needs to be lobbying other states for this kind of resolution to create a special rapporteur on China by the very highest levels of our government. The President, the Secretary of State, and others need to reach out to countries to secure their votes. I think that would be an incredibly important step.

Co-chair MCGOVERN. Mr. Teng.

Mr. TENG. Every time a special rapporteur visits China, the Chinese government tries their best to harass these independent investigators. Sometimes the interviewees are prevented from meeting them, and interviewees are intimidated and sometimes detained. Then the Chinese government actually harasses the dissidents and activists at the U.N. in different forums. That's something we should pay more attention to. The Chinese government also tried to send their own experts to the U.N. There is a report that a U.N. "expert" got \$200,000, and then she became kind of a propagandist for the Communist Party.

Co-chair MCGOVERN. Dr. Richardson.

Ms. RICHARDSON. Yes, three quick reasons why I think that's a good idea. First of all, just to have somebody who's already well informed. Second, to have somebody who can be a focal point for civil society groups, particularly ones who don't have access to the U.N. human rights system. But third, one of the realities, I think, of the October vote was that some governments saw it as just another battle in a fight between the U.S. and China. And they didn't want to take sides in that. I think having a position like a special rapporteur really keeps the focus specifically on human rights violations committed by the Chinese government. It's not tied to a particular capital. It's not appointed by a particular government. It's a mandate that's created across a system that is grounded in adherence to international human rights law and standards.

Co-chair MCGOVERN. Thanks. I think it's a good idea, personally, and I'm hoping we can find a way to pursue it. I thank you all for your testimony and for your responses. And I yield back.

Chair MERKLEY. Thank you very much, Co-chair McGovern. We'll turn now to Ranking Member Smith.

Representative SMITH. Thank you very much, Mr. Chairman.

One of the many lawyers that I and members of this Commission have followed closely over the years is Gao Zhisheng. A tremen-

dous, heroic man. He wrote a book, *A China More Just*. Right around when you started taking up your work, Sophie, back in 2006—right around that time his troubles began. He was convicted in 2011. He was let out. The torture that was committed against him, frankly, was barbaric. I mean, putting cigarettes all over his face, putting electric prods on his genitals, in order to cause the most extreme pain imaginable. This man has gone through all of this, and we don't know exactly where he is. Maybe you could speak to it.

One of the things I'm hoping we'll do next year is really focus on the human rights lawyers who have suffered so horribly. I would just say, parenthetically, we had Gao Zhisheng's wife, Geng He, testify before our committee a couple of times. We had his daughter, Grace, along with four other daughters of incarcerated political prisoners—I called it "the five daughters hearing." She made an emotional plea, in that case, to President Obama, to meet with him. Month after month after month, I would call down to the White House, and my staff would, and said: Will you please just meet with the five daughters?

They said something at the hearing I'll never forget, Grace and the other daughters. They said: President Obama has two daughters. He'll understand and he'll raise it with the right leaders in China to get our fathers freed. It was very impassioned. I will never forget that hearing, ever. It was so powerful, because I have two daughters, too. And I know a father's love for his daughters is so powerful, and there is Grace, pleading for her dad. So we will invite them back next year.

Do any of you know about Gao's situation? Are we doing enough? What more can we, and the administration, be doing? When the President talks to Xi Jinping for up to two hours, please mention—with all respect, Mr. President—please mention the prisoners by name. One of the things that we all learned during the Soviet Union days, and my first trip on human rights was to Moscow and Leningrad in 1982, in my first term, with the National Conference on Soviet Jewry. The biggest takeaway was that silence enables. Name names. It helps the individual. It helps to mitigate some of the harshness of what they suffer.

One of the leading dissidents, the father of the Democracy Wall, I had him at a hearing and he said, When you don't speak out, they beat us more in the prisons. When you speak out, and it's paradoxical and seemingly not true, but it is true, they beat us less. So I would encourage all of us to ask respectfully that the White House and Secretary of State Blinken name names and do it over and over. Every contact. Our Green New Deal czar, John Kerry, an accomplished United States Senator, sat in hearings here for years, and as leader of the Foreign Relations Committee. He gets it. He always raises names.

Gao, in my opinion—and there are others—needs to be at the top of the list. Chen Guangcheng got out, I believe, in large part—a heroic man—because there was so much focus on securing his freedom, and so we need to do it for Gao. And we will be inviting the wives and children back to appeal to our own President and to appeal to Xi Jinping to show some semblance of humanitarianism. So if you could speak to that.

Secondly, on religious freedom, Xi Jinping has done a lot in the area of crushing all faiths—all faiths. There's nobody who gets an exception, even the officially recognized patriotic church and the Three-Self Movement. All of them are being crushed now and told that they need to comport with his Marxist principles. And he calls it sinicization. Any updates you can give us on that and how we might push back on that?

And finally, when it comes to our colleges and universities, I have been concerned for years—held hearings on this as well with the chancellor of NYU—and I even invited myself—he was gracious enough to have me go to Shanghai to speak about human rights. But still, what role are these colleges and universities actually playing when domestically, they allow such influence peddling, as we see at the Confucius Centers. We also have, obviously, others who then seem to mouth and curb their own criticism of all things human rights in the People's Republic of China. If you want to speak to that. I know there's not much time. But, Gao, if you could speak about him as well.

Gao Zhisheng has been disappeared for almost five years and four months. Nobody knows whether or not he's still alive. I have two daughters. I can feel the pain, you know, how Gao Zhisheng's daughter and son suffer every day, every second. The Chinese government is using forced disappearance more and more. We know not only Gao, but many other Tibetans and Uyghur and Chinese dissidents have also been disappeared. So I totally, totally agree with you. It's very, very important to name names. When the American President, when all the senators—every leader, every world leader—the U.K. Prime Minister, the German Chancellor, everyone, has a chance to meet Chinese leaders, they should name names and ask them where Gao Zhisheng is. Where are Peng Zaizhou and Li Kangmeng?

Ms. INBODEN. Thank you very much. I also have to say, I'm familiar with your work even from my time at the State Department, where your concern for human rights was very evident. I am going to answer the question a little bit differently, because there are so many people like Gao who are suffering. I'd just like to raise the case of Rahile Dawut, a Uyghur professor who has been disappeared since 2017. Her case is extremely troubling, because her only crime really was researching and celebrating Uyghur folklore. I think not enough has been done around her case.

I want to mention again my recommendation that the U.S. use its speaking time during the Human Rights Council Universal Periodic Review to mention names specifically, and even to say something about the stories behind some of these people, because I do think that in some of the "swing states" that are not necessarily hard autocracies but are also not in the democratic camp—I think the more they hear about the individual suffering, it's undeniable the scale of human rights violations in China.

Ms. RICHARDSON. I'll just add that it's been good to see more Magnitsky sanctions against Chinese government officials. I think that's an important way of naming people, too. But we, of course, share the view that naming people who have been wrongfully detained, and calling for their release—it's not just saying their names; it's explicitly calling for their release—is an incredibly im-

portant thing to do. I think one of the problems is that the lists have gotten so much longer. We're no longer talking about hundreds and hundreds of people across China.

I think if the U.S. is going to be serious about transnational repression, it should also be publicly calling, where family members have given their consent, for the release of the wrongfully detained family members of U.S. citizens and lawful permanent residents. I think it could be potentially very effective, for example, for Secretary Blinken to sit and literally read out loud a list of every single person the United States Government thinks should be released, whether they're people inside China, whether they're relatives of people who live here. I think that would be a very powerful way of underscoring this point.

Mr. Smith, on the point about the sinicization of religion, I think there are few governments in modern history as powerful as the Chinese government, that have set themselves the task of, and tried to justify, essentially eradicating independent religious practice and reshaping it in ways that suit a very specific political agenda. We see this across Islam. We see it across Buddhism. We see it across Christianity.

You name it, whether it is taking down signs outside of mosques in Ningxia, whether it is remaking the curriculum of Buddhist communities across the Tibetan region, we don't have time to go into all the details today, but I think it is a profoundly frightening phenomenon that a government decides it is going to make religion into particular formats that suit its political imperatives. That's not what international human rights law has to say about religious freedom and the freedom of belief.

Chair MERKLEY. Well, thank you.

As we approach the end of this hearing, I'm just pondering how much change we've seen in China. You know, this hearing was about the arc of the 20 years. It is now 11 years since former Majority Leader Reid led a bipartisan delegation of 10 senators to China. At that point, there was considerable hope for a lessening of restrictions.

We were seeing some signs of increased permission for religious activities across a range. We were talking to reporters who were allowed free range of movement within China, and who no longer had a companion at their elbow monitoring their every movement. We were starting to see some opportunity for those within China who were raising issues about labor concerns and environmental concerns not being imprisoned and actually, on occasion, having their reports welcomed as a necessary observation for potential improvement.

All of that's completely gone under leader Xi Jinping, and now we see that he's been reelected or appointed to another five years, and perhaps for life. I'm very concerned that this trajectory is going to get locked in, this massive electronic surveillance state, this massive repression of human rights, over a billion-plus people. Really affecting freedom of the press, freedom of religion, freedom of speech, every freedom—freedom of movement. It's almost like watching a science fiction movie about the future, but it is here now.

It has been important work of this Commission over the last two years to illuminate many dimensions of that. We need to continue that in an aggressive and bold fashion on behalf of all humanity. My concern is that this model, using high-tech surveillance—as you reference, Dr. Teng—of every movement and every moment is something that will appeal to other authoritarian leaders. I'm concerned about the use of facial recognition expanding here in the United States, and the encroaching power of government to monitor what we do here in America. We absolutely need to double down in the years ahead on this important work.

I want to thank all the members, all the commissioners. I will no longer be the chair, as we rotate between the Senate and the House, but I hope to remain very involved in this incredibly important work. Huge thanks to the staff for what they have done over the last two years. We've done a lot of hearings on a lot of different dimensions, working hard to shine a spotlight on all the places where a spotlight needs to be shined.

With that, we will close this hearing. I thank the three of you for your testimony. The record will remain open until the close of business on Friday, December 16th for any items members would like to submit for the record or any additional questions for the witnesses. With that, this hearing is adjourned.

[Whereupon, at 11:50 a.m., the hearing was concluded.]



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## **A P P E N D I X**

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## PREPARED STATEMENTS

## PREPARED STATEMENT OF TENG BIAO

## HIGH-TECH TOTALITARIANISM AND XI JINPING'S WAR ON LAW

Since the reform and opening-up policy was adopted in the late 1970s, the legal system in China had been re-established from the chaos and brutality of the Cultural Revolution. Laws and regulations were made, the judiciary and lawyer system were recovered, and market-oriented economic and administrative reforms were implemented. Space for traditional media was enlarged, after the 1990s, and the internet played an important role in the growth of China's civil society. Cellular phones, social media and new communication technologies greatly facilitated the ability of social movements to mobilize and organize and offered rights activists convenient channels to find and connect with other like-minded users across China. Publishers introduced many liberal works and translations, and intellectual circles expressed enormous interest in liberal thought, though the Chinese Communist Party (CCP) has never given up censorship on media, internet, schools and publishing.

The "Rights Defense Movement" (Weiquan movement) emerged in the early 2000s as a new focus of the Chinese democracy movement, succeeding the Xidan Democracy Wall movement of the late 1970s and the Tiananmen Democracy movement of 1989. Lawyers, activists, human rights defenders and NGOs asserted their constitutional and legal rights through lawful means and within the legal framework.

But not long after the emergence of the rights defense movement, the Chinese government came to see it as a real threat to the regime and engaged in a concerted campaign to harass and crack down on human rights activists and NGOs. The government adopted a flexible and comprehensive strategy, from oral warnings, disbarment, house arrest, travel bans, criminal charges, and reeducation camps, to abduction, torture and collective punishment.

When Xi came to power in late 2012, the CCP was facing an accumulation of post-1989 new social energies—in the form of the internet, the market, the spread of liberal ideas, the rights defense movement—and on the other hand, official corruption, conflicts between officials and citizens, an ecological crisis, and, most alarmingly, the economic decline. The CCP already eliminated democratization—whether gradual or sudden—from its menu of options for responding to crises. And so all it is left with is strengthening centralized power and enhancing the forces of repression.

This is why Xi Jinping has hugely intensified the crackdown on human rights. He actually waged a war on law. Just as in 1989, when the CCP believed that social liberalization and a democratic movement had threatened its one-party rule, it did not hesitate to crush the peaceful protests with tanks and machine guns.

Xi Jinping abolished the two-term limit for the presidency, shut down thousands of NGOs, rounded up human rights lawyers and dissidents, persecuted Falun Gong, Muslims, Tibetan Buddhists, Christians, and other religious groups, destroyed mosques, temples, and churches, intensified censorship on the internet, media, and in schools, arrested entrepreneurs, journalists, artists, academics, and anyone who disobeyed its dictates.

The CCP has brazenly and deliberately violated its international promise of "one country, two systems" in Hong Kong by eliminating the umbrella revolution and the anti-extradition movement and eventually in 2020, by implementing the National Security Law in Hong Kong. Hong Kong's freedom and rule of law have been totally destroyed by the CCP since 2020.

Since 2017, between one million and three million Uyghurs, Kazakhs, and other Turkic people in Xinjiang (East Turkestan) have been detained in concentration camps (which are called "reeducation centers" by the CCP). Women were systematically raped and sexually harassed in the camps, Turkic intellectuals and elites were purged, children were forcibly separated from their parents, a million Han Chinese officials were sent to live with Uyghur families, closely monitoring them, and the Chinese government is systematically imposing forced inter-ethnic marriages on Uyghur women. As of late 2022, the Xinjiang Victims Database has documented 210 deaths in the camps since January 2017, but the real number must be much higher than this, given the extreme danger and difficulty of collecting information. (<https://shahit.biz/eng/#lists>)

Since 2009, 159 TIBETANS HAVE SELF-IMMOLATED IN TIBET AND CHINA to call for freedom and human rights. Most of what the Chinese government has been doing in Xinjiang is taken from the playbook of how it ruled in Tibet after the protests in March 2008.

What is extremely terrifying is that the CCP has established an unprecedented totalitarian surveillance system in China. I coined the term “high-tech totalitarianism” to describe this surreal dystopia. At least half a billion surveillance cameras are installed throughout the country, and the number is still increasing sharply. A social credit system, which documents people’s transactions, moral and political behavior, and punishes them for any variation from its rules, is expanding rapidly. Powerful phone trackers can connect one’s digital footprint, real-life identity and physical whereabouts, and facial, voiceprint, and gait recognition capability, together with government-controlled big data, make privacy hardly possible. Virtual reality (VR) was used to test party members’ level of loyalty to the CCP. The authorities have collected DNA data from hundreds of millions of Chinese by cheating or by force. Social media controlled by the CCP—Weibo, WeChat, TikTok and others, are also effective tools to surveil all Chinese internet users. By strengthening “high-tech totalitarianism,” the Chinese government’s goal is to maximize its capacity to monitor everyone’s every movement in every corner at every moment.

Furthermore, Covid-19 has become a perfect excuse for the Communist Party to strengthen its control of Chinese society. At least 400 million people and hundreds of cities, are under covid lockdown. Every citizen is required to show a Green Health Code (and also a Venue Code and Itinerary Code) to leave home. Before two human rights lawyers departed to meet their client, a citizen journalist sentenced to four years for her reports of the outbreak of Covid-19, their health codes suddenly turned red, which was obviously a manipulation of the authorities to restrict their travel. This has happened to thousands of petitioners in Henan Province, as well. The Zero-Covid policy has been purposed more to tighten its perfect dictatorship, “controlocracy” as Norwegian sociologist Stein Ringen put it, than to fight the coronavirus. It can be called “COVID totalitarianism.”

Ridiculously enough, the collateral damage has been much greater than that caused by the pandemic. Whistleblowers and activists have been arrested and silenced, doors and windows were sealed, patients in urgent medical need have been denied care by hospitals, people locked in their own homes have been left with a lack of food (some even starved to death), students were not allowed to attend exams and farmers were forced not to plant or harvest. The “white guards” have arbitrarily humiliated, detained, and assaulted civilians. Uyghurs have also died as a result of poisoning from disinfectants sprayed in their homes—the list goes on.

Because of my human rights work in China, I have been disbarred, banned from teaching and fired by the university, kidnapped, detained and severely tortured, and my wife and children were targeted. But so many people have suffered and sacrificed so much. Some activists have even lost their lives. Li Wangyang, Cao Shunli, Zhang Liumao, Peng Ming, Yang Tianshui, Tenzin Delek Renboche, the Nobel laureate Liu Xiaobo, and many others.

#### RECOMMENDATIONS

Democracies should urge the Chinese government to release all the human rights defenders, dissidents, journalists, and citizens who were imprisoned because of their political opinions and religious beliefs. I call your attention to the jailed prisoners of conscience, Ilham Tohti, Xu Zhiyong, Ding Jiaxi, Wang Binzhang, Gao Zhisheng, Gulshan Abbas, Go Sherab Gyatso, and Jim Lai. Especially, the Chinese government should immediately and unconditionally release all the protesters arrested and detained during the A4 revolution. I have confirmed that many protesters have been tortured by the police. Peng lifa, who hung the banners at Beijing Sitong bridge, is the new Tank Man, who inspired the A4 revolution. A girl reportedly named Li Kangmeng, was the first person to hang a white paper at Nanjing Communication College. Both were taken away by the police and their whereabouts remain unknown.

Democracies should urge the Chinese government to shut down the concentration camps in Xinjiang and stop the practice of forced marriage, torture, systematic rape, brainwashing, forced labor, and homestay of Han officials.

Democracies should urge the Chinese government to stop all of its repressive policies in Xinjiang, Tibet and Inner Mongolia, including restrictions of their native languages, mandatory or quasi-mandatory boarding schools, travel restrictions, destruction of cultural heritage, religious persecution, and purges of elites and activists.

Democracies should make it easier for the Uyghurs, Tibetans, Hong Kongers, and Chinese activists/dissidents to seek political asylum. There’s an urgent need to prevent these people from being deported to China.

Democracies should stop appeasing the CCP regime. Human rights issues should be linked to trade and technology talks. Human rights should not be sacrificed for short-term economic and political profit. Every time world leaders meet CCP lead-

ers, they should not be silent or soft on human rights issues. When genocide and crimes against humanity still continue, silence is complicity.

“Not seeking regime change” is the wrong message to send the CCP. The CCP will continue to suppress freedom and manipulate international human rights laws, and has become the biggest threat to the liberal international order.

It’s extremely important and necessary to help the Chinese people jump the Great Firewall (GFW). When the Chinese people can access information from the free world, many of them will be awakened and will tend not to tolerate the brutal rule of the CCP. A bit more budget on affordable technologies or equipment (like VPNs) will make a great difference.

Congress should categorize the ongoing atrocities against Uyghurs and Kazakhs in Xinjiang as genocide. Democracies should sanction human rights abusers and put more Chinese officials on the list of the Global Magnitsky Act. Democracies should sanction the global companies that are complicit in the CCP’s censorship and surveillance. Cisco and some other tech giants facilitated China’s GFW. Zoom terminated meetings organized by Chinese activists and suspended host accounts upon the instructions of the Chinese government.

Today I request a congressional investigation of Apple. Apple has ceded legal ownership of its customers’ data to Guizhou-Cloud Big Data (GCBD), a company owned by the Chinese government. Apple did not care about labor rights violations in its supply factories in China. Apple removed the VPN apps from its App Store in China. Apple restricted the use of AirDrop soon after the Sitong bridge protest (Apple limited AirDrop sharing to 10 minutes in China after its use in protests). Apple should tell the public where it received the instructions, and why it has been complicit in China’s suppression and censorship.

The recent A4 revolution has shown the world how eagerly the Chinese people demand freedom and democracy and how much they want to risk to fight the dictatorial regime. It is our moral and political obligation to support the freedom fighters, and the bottom line is, a business based in the free world facilitating the dictatorship should not be tolerated.

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#### PREPARED STATEMENT OF RANA SIU INBODEN

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 is 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, marshaled 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.

#### BELJING’S HUMAN RIGHTS ASSAULT

There are multiple layers and components to China’s drive to 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 inter-

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

national 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 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 shields 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 form a chorus of praiseworthy or softball 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 from 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 countries 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 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, dur-

<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>

<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.

ing 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 co-opt the Council as a forum to propagate China's regressive human rights vision rather than advance accountability for rights-abusing states and protection for human rights victims. Beijing has secured passage of resolutions that protect 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 protesters 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 the 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> These *ad hominem* attacks should also be viewed in 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 abuse 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.

<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 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.

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 have 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 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 in 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*

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 U.S., Japan, and Australia. The U.S. State Department should put 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.

<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.

### *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.

### *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 organization where the U.S. and other countries concerned with China's abuses could pursue action. Because the ILO is composed of not only governments but labor and industry groups, recruiting sufficient votes to secure passage of a resolution on China might be more feasible.<sup>20</sup>

<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 ECOSOC 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-ecosoc-management-segment/> and Edith M. Lederer, "After years of delay 6 rights groups get UN accreditation," *AP News*, July 22, 2022, <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/proposalsstatus.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/>



PREPARED STATEMENT OF SOPHIE RICHARDSON,  
CHINA DIRECTOR, HUMAN RIGHTS WATCH

REMARKS ADDRESSING THE CHINESE GOVERNMENT'S HUMAN RIGHTS RECORD  
AND ITS APPROACH TO THE INTERNATIONAL HUMAN RIGHTS SYSTEM

INTRODUCTION

Over the course of the two decades since the establishment of the Congressional-Executive Commission on China, the Chinese government has transformed from a relatively benign actor in the international human rights system to a significant threat to human rights globally. Under Xi Jinping, who in October awarded himself a third term as General Secretary of the Chinese Communist Party, the government has not only launched an unprecedented rollback of human rights domestically, but also made clear its intentions to remake the international human rights order to protect its interests. Allowing Beijing to do so will not only have catastrophic outcomes for the victims of Chinese government human rights violations—including crimes against humanity—inside China, it will also significantly weaken protection for victims of abuses worldwide. It is essential that democracies match Beijing's ambition to protect the norms, laws, and institutions currently under threat.

THE CHINESE GOVERNMENT ROLE IN INTERNATIONAL HUMAN RIGHTS BODIES

In recent years, the Chinese government has become considerably more active in a wide range of United Nations and other multilateral institutions, including in the global human rights system. These include developments that on their face are positive: ratifying several core UN human rights treaties, serving as a member of the UN Human Rights Council, and seconding Chinese diplomats to positions within the UN human rights system. Beijing has launched various undertakings abroad that have major human rights implications: it has created the Belt and Road Initiative (BRI) and the Asian Infrastructure Investment Bank (AIIB) under the mantra of promoting economic development, and it has become a significant global actor in social media platforms and academia.

This new activism on issues from economics to information by one of the most consequential actors in the international system, if underpinned by a serious (albeit unlikely) commitment among senior Chinese leaders to uphold human rights, could have been transformative. But the opposite has happened. Particularly under President Xi Jinping's leadership, the Chinese government does not merely seek to neutralize UN human rights mechanisms' scrutiny of China, it also aspires to neutralize the ability of that system to hold any government accountable for serious human rights violations. Increasingly, Beijing pursues rights-free development worldwide, and tries to exploit the openness of institutions in democracies to impose its world view and silence its critics.

It is crucial—particularly for people who live in democracies and enjoy the rights to political participation, an independent judiciary, a free media, and other functioning democratic institutions—to recall why the international human rights system exists. Quite simply, it is because states often fail to protect human rights, particularly in countries that lack credible systems for redress and accountability for rights violations. People need to appeal to institutions beyond their government's immediate control.

Beijing is no longer content simply denying people accountability inside China: it now assertively seeks to bolster other countries' ability to do so even in the international bodies designed to deliver some semblance of justice internationally when it is blocked domestically. Within academia and journalism, the Chinese Communist Party seeks not only to deny the ability to conduct research or report from inside China, it also increasingly seeks to do so at universities and publications around the world, punishing those who study or write on the topics it considers sensitive—an endlessly arbitrary realm. The rights-free development the state has sanctioned inside China is now a foreign policy tool being deployed around the world.

Beijing's resistance to complying with global public health needs and institutions in the Covid-19 crisis, and its crushing of democratic aspirations in Hong Kong, should not be seen as anomalies. They are clear and concerning examples of the consequences for people worldwide not only of a Chinese government disdainful of international human rights norms but, increasingly, also seeking to rewrite those rules in ways that may affect human rights protections globally. Chinese authorities act as if they fear that the exercise of these rights abroad can directly threaten the party's hold on power, whether through criticism of the party itself or as a result of holding the leadership accountable for its human rights violations.

Human Rights Watch has tracked Beijing's efforts to undermine the UN human rights system, publishing a report in September 2017, *The Costs of International Advocacy: China's Interference in United Nations Human Rights Mechanisms*. This detailed the ways the Chinese government obstructs the participation of independent civil society organizations, manipulates the accreditation process for those actors, and thwarts the work of treaty bodies, special procedures, the Office of the High Commissioner for Human Rights, and the Human Rights Council. Since that time, we have also exposed Beijing's efforts to strip human rights funding from UN peacekeeping budgets, its increasingly vitriolic attacks on not just the mandates of independent human rights experts within the UN system, but also on the individual experts themselves, and its reprisals against independent civil society groups from China for their efforts to engage the UN human rights system.

China routinely opposes efforts at the Human Rights Council to hold states responsible for even the gravest rights violations. When the Organisation of Islamic Cooperation and the European Union jointly presented a resolution to address Myanmar's international crimes against Rohingya Muslims in 2017, China called a vote and was one of only two countries to vote against. In September 2022, China was one of only three states voting against a resolution to renew the mandate for a Special Rapporteur on Afghanistan; that initiative prevailed with the support of 29 member states. In November, China was one of only six countries to vote against the establishment of a Fact-Finding Mission on Iran in response to the recent protests.

Over the past five years, Human Rights Watch documented the Chinese government's mass arbitrary detentions, pervasive surveillance technology, and crimes against humanity targeting Uyghurs and other Turkic communities across Xinjiang. The UN human rights system's engagement on the Uyghur issue reflects Beijing's power: denying access to the region for UN human rights investigators, stalling and then constraining a visit by the UN High Commissioner for Human Rights, lobbying intensely to prevent the release of that office's report on the crisis, then lobbying even more intensely to block even discussion—let alone movement towards an investigation—on the issue.

There is however some cause for optimism. Since 2018, UN special procedures, treaty bodies, and the Office of the High Commissioner for Human Rights have consistently documented grave human rights violations by the Chinese government and offered myriad recommendations on fixing the proximate and systemic abuse. The former high commissioner, Michelle Bachelet, under intense diplomatic pressure, in August 2022 published a report, based largely on interviews with victims and Chinese government sources, on possible crimes against humanity in Xinjiang. In October, the Human Rights Council fell short by only two votes in an effort to advance a discussion about the report; Human Rights Watch believes this was a critical first step towards securing a positive outcome in the future. Several states otherwise reluctant to criticize Beijing over its human rights record voted in support of the initiative out of concerns about institutional integrity: the basic idea that no state is above scrutiny for its rights record. It is also an encouraging sign that in late November the new High Commissioner for Human Rights, Volker Türk, said, "It's my office's report, and I'm invested in it." OHCHR also called on Chinese authorities to respect people's rights to peaceful protest as people took to the streets to protest "zero-Covid" lockdowns.

#### *Chinese Government Role in Changing Human Rights Norms*

When the Chinese government began ratifying international human rights instruments in the 1980s, it made little effort to challenge the contents or the norms informing those documents. In 2004 the government amended the Constitution to explicitly recognize a state obligation to respect human rights, and at varying times senior officials have expressed support for the universality of human rights.

But towards the late 2000s, the Chinese government took an increasingly more repressive approach. And under Xi Jinping, the government takes the position that human rights norms and law must be subordinated to "Chinese characteristics" or "national conditions." It has resisted bringing domestic law on key human rights issues, such as torture, into conformity with the definition as set out under the UN Convention against Torture, despite being cited in multiple reviews of the convention for failing to do so.

Chinese authorities also increasingly seek to replace existing norms and concepts with ones that undermine established human rights. The notion of "mutually beneficial cooperation" is just one example. In March 2018, China introduced a resolution on "Promoting the International Human Rights Cause through Win-Win Cooperation" at the Human Rights Council. The title sounded innocuous, but the resolution gutted procedures to hold countries accountable for human rights violations,

suggesting “dialogue” instead and the important role of “mutually beneficial cooperation.” It failed to specify any course of action when rights violators do not cooperate with UN experts, retaliate against rights defenders, or actively reject human rights principles. And it even did not acknowledge any role for the Human Rights Council itself to address serious human rights violations when “dialogue” and “cooperation” did not produce results. The resolution was adopted by a distressingly strong majority.

The resolution requested a report from the Council’s Advisory Committee. Many delegations expressed concern, but gave the resolution the benefit of the doubt, abstaining so they could wait to see what the Advisory Committee produced. Beijing’s intentions soon became crystal clear: its submission to the Advisory Committee hailed its own resolution as heralding “the construction of a new type of international relations.” The submission claims that human rights are used to “interfere” in the internal affairs of others, thus “poisoning the global atmosphere of human rights governance.”

The Advisory Committee report, published just before the June 2020 Council session, only reinforced these concerns: it acknowledges that “serious conflicts of views exist with regard to the concept of ‘mutually beneficial cooperation,’” but offers no clear definition, identifies no value-added that the term brings over more established concepts such as technical cooperation and capacity-building—already part of the Council’s agenda—and even calls into question the universality of rights, referring to “so-called ‘universal’ values.”

#### RECOMMENDATIONS

\* Democracies should respond to the Chinese government’s efforts to remake the international human rights system with ambition, principle, discipline, and resources.

\* Democracies should form a coalition to protect the UN human rights system. This should include working together to leave no space across the UN human rights system uncontested—these are vacuums that Beijing is highly skilled at filling. They should strongly support the candidacies of democracies for the Human Rights Council, and truly independent experts for treaty body, special procedure, key committee, and thematic group openings. They should be tracking and vigorously pushing back against Beijing’s efforts to weaken norms, and should especially watch for attempts to advance soft law that could undermine international human rights law. It is encouraging to hear that with bipartisan support the US State Department has been able to create a new effort within the International Organizations Bureau, and the Office of Multilateral Strategy and Personnel, to take on this critical work. Please consider whether those resources are sufficient to the task of coordinating with other democracies and challenging Beijing.

\* Second, democracies should be committed to pressing for an investigation into Chinese government crimes against humanity targeting Uyghurs and other Turkic communities because of the scope and scale of the crimes. But they should also do so as a test of the UN human rights system’s resilience. In this sense there should be no political or diplomatic wavering about this challenging but critical project. Some in the Congress or administration may see the October Human Rights Council vote as a loss—we strongly encourage everyone to see it as a victory in the longer effort towards holding Chinese officials accountable. It would be a loss for human rights, and a big win for the Chinese government, if there were no further efforts to discuss the Xinjiang report at the council and to establish an independent international investigation.

\* Finally, democracies should support civil society organizations—particularly ones from China, blocked by Beijing from accessing the UN human rights system—to share their work and perspective. They are critical sources of information and policy recommendations, yet are systematically denied an opportunity to share their work and perspective throughout the UN system. These governments should also press the UN, the Human Rights Council, and the Office of the High Commissioner for Human Rights to bolster protection of these activists, and ensure that all cases of state reprisals are investigated and addressed.

## PREPARED STATEMENT OF HON. JEFF MERKLEY

Good morning. Today's hearing of the Congressional-Executive Commission on China entitled "CECC at 20: Two Decades of Human Rights Abuse and Defense in China" will come to order.

This year marked the start of the Commission's third decade monitoring the People's Republic of China's compliance with international human rights standards and developments related to the rule of law in China. The Commission's annual report, hearings, and other products provide a detailed multi-year accounting.

Over that time, our work documents a dramatic arc, from the early 2000s of a movement within China to stand up for and defend human rights, to the current situation, the Chinese Communist Party's escalating efforts to constrict space for internet freedom, civil society, and the exercise of citizens' basic rights. In that same period, the hope some held on to that China's inclusion in global institutions would be accompanied by improvements in human rights has met the harsh reality: Chinese authorities are using those institutions to debase and discredit the very notion of universal rights.

As we close out the 117th Congress, this hearing aims to take stock of where the last two decades leave us and where those fighting for fundamental freedoms can go from here. We are joined by some of the leading experts in the field, who will shed light on the evolution of the domestic situation in China, the international legal landscape, and the Chinese Communist Party's efforts to shape both.

Before we hear their testimony, our examination of this topic will be framed by special remarks from a very special friend to this Commission. Speaker of the House Nancy Pelosi spoke from the dais at the first hearing of the CECC 20 years ago, just a floor above us in this very building, to help launch a Commission she had played a key role in creating. As we thank her for her historic leadership in Congress and tireless work on behalf of human rights everywhere, but especially in China, there is nobody more fitting for us to hear from to mark two decades of the Commission's work and to help chart what we can do to keep fighting for the people against the powerful.

That is the essence of what the Commission tries to do. The talented and professional staff has published 21 annual reports, compiled over 10,000 Political Prisoner Database records, and met with countless stakeholders over the years. In this Congress alone, we've passed the groundbreaking Uyghur Forced Labor Prevention Act, advanced legislation establishing a China Censorship Monitor and Action Group, held 15 hearings that ran the gamut of issues within our mandate, sent dozens of advocacy letters, and published analysis on the treatment of Muslim minorities, economic coercion against American companies, the case for sanctioning those responsible for political prosecutions, and the dismantling of Hong Kong's civil society.

Since its first days, the backbone for all of this work has been Judy Wright. The first person hired to staff the CECC, Judy Wright has been the only Director of Administration the Commission has ever had. After nearly 21 years in this role and almost 40 working for the U.S. Congress, Judy will begin a richly deserved retirement at the end of this month. She has kept the Commission running smoothly, supported research staff through thick and thin, maintained institutional memory over the many political transitions in Congress over the years, and been a treasured friend to generations of CECC staffers and commissioners. Judy, this team will miss you dearly. We wish you all the best in retirement and thank you for your service.

This is my last hearing as chair before we transition to the next Congress. It has been an honor to serve with my co-chair, Congressman McGovern, who has shown tremendous leadership these last four years in translating the work of the Commission into meaningful legislation defending Uyghurs, Hong Kongers, Tibetans, and others experiencing abuse. That work has been truly bipartisan and bicameral, and as we prepare for the next Congress, I look forward to continued close partnership with Congressman Smith, with Senator Rubio, and with all of this Commission's champions for human rights and the rule of law in China.

## PREPARED STATEMENT OF HON. JAMES P. MCGOVERN

Thank you, Mr. Chairman, for scheduling this hearing. I look forward to the testimony from our witnesses.

I want to thank you for your incredible leadership. It has been an honor to serve alongside you, as well as with my friend Congressman Suozzi from New York. I've really admired your style and your commitment to the human rights of the Chinese people.

Today we take stock of the changes in China and the evolution of international law in the two decades since the CECC was established. Our intent is not to look back but to plan for the future by assessing our work amidst a changing landscape.

Xi Jinping will continue to lead a government that employs the newest tools to suppress dissenting viewpoints, impose social control, and repress critics domestically and across borders. We want to make sure that the Commission is properly equipped and oriented to fulfill its mandate and to serve our constituents—Congress, the executive branch, the China human rights community, and most important of all, the people of China.

Chinese, Tibetans, Uyghurs, Southern Mongolians, Hong Kongers, and all others who live in the PRC deserve to have their rights and dignity respected. Human rights are inherent in all human beings, as enshrined in the Universal Declaration of Human Rights and protected by the covenants and agreements that have flowed from it.

The Chinese Communist Party would have us believe that some rights count more than others, citing “Chinese values” to discount certain civil and political rights. Some in the United States also believe that some rights count more than others, citing “American values” to discount certain social and economic rights.

Under international law, both are wrong. Human rights are universal, interdependent, and mutually reinforcing. This Commission, by statute, is mandated to assess China's compliance with international human rights standards. These standards are not determined by any party in China, and not by any party in the United States. These standards, codified at the United Nations and widely adjudicated, apply to every person in every country and territory on Earth. We do a disservice to the people of China if the Commission's work is shaped by personal or political preferences, rather than based on the universal human rights that the people of China are entitled to. Over two decades the Commission has earned a reputation for objective and informative analysis. Let's keep it that way.

On a personal note, this is my last hearing as cochair of this Commission. With my cochairs, Senators Rubio and Merkley, along with Congressman Smith, we have sought to translate the Commission's expertise into advocacy and legislative impact. We helped get into law the Hong Kong Autonomy Act, the Hong Kong Human Rights and Democracy Act, the PROTECT Hong Kong Act, the Uyghur Human Rights Policy Act, and the Tibetan Policy and Support Act.

I give special mention to the Uyghur Forced Labor Prevention Act, which was the product of Commission staff research, that led to a report, a hearing, legislation, and then law. I propose it as a model both for how the Commission can be effective and how to craft robust human rights policy. I hope to be able to continue to serve on this Commission and to work on a bipartisan basis to promote human rights in China.

Lastly, none of this would be possible without the hard-working non-partisan staff of the Commission. They are experts in the field and committed to both the cause of human rights and to the accuracy in reporting that has made the Commission's work so respected. I cannot thank them enough.

One staffer I will mention by name is Judy Wright. She is retiring after 20 years at the Commission, and many before that in the House. As Director of Administration, she has made everything possible. We will miss her. I wish her a well-deserved and fulfilling retirement.

I also want to acknowledge our lead staffer in the House, Todd Stein. I have worked with nobody who knows more about China, who is more fluent in human rights law, who cares more deeply about this issue than him. It has really been a privilege and an honor to work alongside him, and we're going to continue to work together on this issue for many years to come.

I want to pay a special tribute to Speaker Pelosi. She reminds us all the time, even when it's inconvenient, about how important focusing on human rights is. With regard to human rights in China, she reminds us that if we don't have the courage and the guts to speak out against human rights abuses in China, then we don't have the moral authority to speak out against human rights abuses anywhere on this planet.

The legislation that both of us have pointed out, that has been a product of this Commission, would not have become law unless had it not been for the leadership of Speaker Pelosi in the House. I cannot thank her enough for her commitment.

Again, thank you, Mr. Chairman. I look forward to hearing from our witnesses, and hearing their recommendations for how this Commission, the Congress, and the U.S. Government can best advocate for the universal rights of the people of China.

# **AUTHORITARIAN STATES: BLOCKING CIVIL SOCIETY PARTICIPATION IN THE UNITED NATIONS**

**FEBRUARY 2019**



**ROBERT STRAUSS CENTER**  
FOR INTERNATIONAL SECURITY AND LAW  
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The Robert Strauss Center for International Security and Law integrates expertise from across the University of Texas at Austin, as well as from the private and public sectors, in pursuit of practical solutions to emerging international challenges.

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Previously, she served in the U.S. State Department's Bureau of Democracy, Human Rights and Labor. Rana joined the State Department in 2000, serving at the U.S. Consulate in Shanghai, in the Office of Chinese and Mongolian Affairs, and in the Bureau of Intelligence and Research where she covered U.S.-China relations.

She completed her DPhil at Oxford University in the Department of Politics and International Relations. She obtained an M.A. at Stanford University in East Asian Studies and a B.S. at the School of Foreign Service at Georgetown University. She was awarded a U.S. State Department Superior Honor Award for her work in the Bureau of Democracy, Human Rights and Labor.





## TABLE OF CONTENTS

Introduction .....	1
The Like-Minded Group in the UN Commission on Human Rights .....	1
Reemergence in the UN Human Rights Council .....	3
The UN Economic and Social Council Committee on NGOs .....	7
LMG Members in the ECOSOC NGO Committee .....	8
Reforming the working methods of the NGO Committee .....	11
Conclusion .....	14



## INTRODUCTION

Although the United Nations has in many instances affirmed the value of civil society, the UN's process for granting non-governmental organizations (NGOs) consultative status has been widely criticized as arcane, politicized and biased. In particular, a number of countries with problematic human rights records use their seats on the UN Economic and Social Council (ECOSOC) Committee on NGOs (NGO Committee) to hinder the applications of non-governmental organizations whose work they disagree with for political reasons, especially organizations that are engaged in the promotion and protection of human rights. The majority of these countries hail from the Like-Minded Group (LMG), a coalition of largely authoritarian nations that have been active in the UN Commission on Human Rights (UNCHR) and its successor body, the UN Human Rights Council (HRC). The LMG stakes out restrictive rights positions in the UN's human rights bodies, yet little scholarly or policy research has been done on this group, including their efforts to restrict civil society engagement with the United Nations.

In order to better understand the Like-Minded Group's ideology, cooperation among these countries, and their impact on the UN's NGO accreditation process, this report examines the LMG's stances in the UN's human rights bodies and the group's behavior during the NGO Committee's reviews of civil society applications. Although the Like-Minded Group first emerged in the late 1990s, there has been little research on the group's impact on the UN and practitioners have failed to strategize ways to counter the group's regressive human rights stances. This report attempts to make up for these lapses and has both academic and policy relevance. The analysis of the LMG's behavior is based on a variety of sources, including UN reports and documents, NGO reporting, and interviews with over a dozen practitioners, including diplomats involved with the Committee's work.

The first section of the report begins by providing background on the composition, evolution and growth of the Like-Minded Group, including an analysis of the group's statements in the Human Rights Council from the 21st session in the fall of 2012 through the 36th

session in the fall of 2017. As an informal coalition the LMG does not have a website or secretariat. Therefore, the group's statements were identified by relying on the United Nations' web TV service, the extranet website of the Office of the High Commissioner for Human Rights (OHCHR), and when possible other sources, such as the statements from particular country delegations published on their websites. Next, the report turns to investigating ways this group has operated in the UN ECOSOC NGO Committee by analyzing the group's interventions and questions during the NGO Committee's biannual sessions from 2016 through 2018. The analysis on the conduct of these countries in the NGO Committee is based on documentary research utilizing official UN reporting, particularly meeting summaries, as well as interviews with participants on the Committee, including several diplomats, UN officials and NGO representatives.<sup>1</sup> It concludes with proposals to improve the functioning of the UN's process for reviewing NGO applications.

## THE LIKE-MINDED GROUP IN THE UN COMMISSION ON HUMAN RIGHTS

The Like-Minded Group first emerged in the UN Commission on Human Rights in the late 1990s and appears to have developed from the cooperation of a smaller subset of countries obstructing progress on the Optional Protocol to the Convention against Torture (OPCAT) in the drafting group as it was being negotiated from 1992 through 2002. The OPCAT group, which included Cuba, China, Algeria, Egypt, Saudi Arabia, Syria and Sudan, resisted allowing the proposed Sub-Committee on the Prevention of Torture robust authority to conduct investigative visits and hampered progress on the draft.<sup>2</sup> Although the LMG does not practice formal membership and countries are free to decide if they want to sign onto a particular statement, in the UNCHR the group generally included Algeria, Bangladesh, Belarus, Bhutan, China, Cuba, Egypt, India, Indonesia, Iran, Malaysia, Myanmar, Nepal, Pakistan, the Philippines, Russia, Sri Lanka, Sudan, Syria, Venezuela, Vietnam and Zimbabwe. Diplomats and practitioners describe China, Pakistan, Cuba, India and Egypt as the LMG's core countries, and these countries have taken a turn



serving as spokesperson for the group.<sup>3</sup> The LMG's main positions in the UNCHR were to denigrate and oppose the use of country-specific human rights scrutiny, including resolutions, while calling for less public forms of human rights monitoring based on "cooperation and dialogue;" calling for greater emphasis on economic, social and cultural rights, including a right to development, as opposed to civil and political rights; resisting the universality of human rights standards based on arguments asserting the salience of particular national, economic, and cultural conditions; and championing state sovereignty over robust international human rights monitoring mechanisms.<sup>4</sup> Beyond their shared human rights views, these countries have similarly troubled human rights records. According to Freedom House rankings, all of these nations would be considered not free or partly free.<sup>5</sup>

Since a number of the group's positions are at odds with some key principles undergirding the UN human rights system, the LMG has in several instances attempted to alter the international human rights regime under the guise of reform. Along these lines, in the late 1990s, LMG countries put forward innocuous-sounding resolutions and initiatives, such as the "Rationalization of the Work of the Special Procedures System" and "Enhancing the Effectiveness of the Commission on Human Rights." Yet, these proposals reflected attempts to weaken the UN's human rights system through, for example, seeking to reduce the number of independent experts serving as special rapporteurs focused on civil and political rights.<sup>6</sup> The group was particularly successful in diluting the mandate of the UN Sub-Commission on Human Rights (Sub-Commission), an entity comprised of independent human rights experts that played a critical role in developing human rights standards and norms, spotlighting particular human rights problems, including drawing attention to specific countries with problematic records, and passing resolutions to mobilize public pressure and raise awareness. From the late 1990s through 2006, the group used a series of resolutions to erode the Sub-Commission's authority, including stripping it of the power to consider country situations being dealt with by the Commission, pass country or thematic resolutions that contained specific reference to individual countries, and initiate its own studies and research.<sup>7</sup> Countries

associating with the group also employed a strategy of "promoting superfluous, meaningless and often regressive resolutions..."<sup>8</sup> For example, during the 2002 session of the UNCHR, a number of LMG countries put forward resolutions on "Strengthening of popular participation, equity social justice and non-discrimination as essential foundations of democracy" and "Human Rights and International Solidarity."<sup>9</sup>

The Like-Minded Group also took aim at country-specific human rights monitoring using two strategies. First, China, Cuba and Zimbabwe introduced "no-action" motions to avert resolutions on their records in the UNCHR. Fellow LMG countries then voted in support of these motions, which were political maneuvers that prevented the resolution from coming to the floor.<sup>10</sup> The LMG also endeavored to eliminate the use of "all critical country-specific resolutions and procedures."<sup>11</sup> They framed their opposition by complaining that the Commission was "politicized" and that UNCHR's work should be focused on "dialogue and cooperation."<sup>12</sup> During the 2004 through 2006 negotiations over dissolving the UNCHR and replacing it with the Human Rights Council, China, serving as spokesperson for the LMG, made a number of statements bemoaning the use of country-specific human rights monitoring and using the reform discussions to promote the group's customary points. For example, in March 2005, China in its capacity as spokesperson for the Like-Minded Group complained that the UN High-Level Panel Report (which had called for a new UN human rights body):

failed to address the problem of misuse of Item 9 [which allowed for discussion of specific countries] and proliferation of country specific resolutions. In addition, the report should have highlighted the following concerns of the developing countries... more emphasis on the promotion of economic social and cultural rights, and the right to development. Second, the UN Charter clearly stipulated that the way of promotion and protection of human rights is "to achieve international cooperation"... It's about time that members of the Commission do more to promote dialogue instead of confrontation, and have more soul-searching instead of finger-pointing.<sup>13</sup>



In the Human Rights Council, which replaced the Commission in 2006, countries affiliated with the LMG gained proportionally more seats. In the UN Commission on Human Rights the 53 seats had been allotted as follows: 15 from the African Group, 12 from the Asian Group, 5 from the Eastern European Group, 11 from the Latin American and Caribbean Group and 10 from the Western European and Others Group (WEOG). In comparison, the 47 HRC members are distributed as follows: 13 from the African Group, 13 from the Asian Group, 6 from the Eastern European Group, 8 from the Latin American and Caribbean Group and 7 from the Western European and Others Group. As a result of this geographic distribution of seats, LMG countries possessed more comfortable voting margins and a near “automatic majority.”<sup>14</sup> Although the group was active during the Council’s first year, from 2006 through 2007, when key institutional decisions were being finalized as part of the Institution-Building (IB) process, after the passage of the IB package the group became less active. Due to their ability to more comfortably prevail in votes, the necessity underlying the need for these countries to band together diminished and the group “faded away.”<sup>15</sup> A South Asian diplomat explained that there was less of a need for the LMG to be active because “these countries were able to control outcomes in the Council because a number of key LMG countries held leadership positions over regional or country groupings that represented a ‘triangle of power.’”<sup>16</sup> For example, key LMG countries such as Egypt, Cuba and Saudi Arabia held leadership positions in the Non-Aligned Movement, the Africa Group and the Organization of Islamic Cooperation and these countries could rotate leadership positions with other countries that held similar human rights views.<sup>17</sup>

Some observers explain the LMG’s dissolution during these years by also noting related developments, such as the United States withdrawal from the Council, which meant that there were fewer initiatives that LMG countries needed to counter.<sup>18</sup> As another diplomat put it, “The LMG lost something to be opposed to.”<sup>19</sup> While LMG countries may have been pleased with the status of the Council, particularly the limited spotlighting of countries engaging in serious human rights abuses,

others with a commitment to human rights expressed somber assessment of the Council’s first several years. Pointing to the repeated failures to focus on egregious country-specific abuses and few meaningful human rights initiatives during the Council’s early period, a Western European diplomat commented that “some were so discouraged at the Council’s functioning that they were ready to simply write it off.”<sup>20</sup>

## REEMERGENCE IN THE UN HUMAN RIGHTS COUNCIL

After a hiatus during the first few years of the Human Rights Council, the Like-Minded Group re-emerged in 2011. Not coincidentally, the Obama administration’s decision to run for a seat in the Human Rights Council in 2011 ushered in greater focus on country-specific monitoring, including the use of a resolution, commission of inquiry and membership suspension to spotlight human rights violations in Libya; special sessions on the Ivory Coast, Libya and Syria; and the reinstatement of special rapporteurs on Iran and Belarus.<sup>21</sup> These developments resulted in more positive assessments on the Council’s effectiveness from human rights activists and diplomats representing Western European and Others Group countries.<sup>22</sup> Yet, in contrast, a diplomat from an LMG country speaking in 2011, stated that “Unfortunately, over the last nine to ten months the Council is moving toward the way of the Commission. There is a general atmosphere of pointing fingers... or you hold a special session in which you condemn. We believe the best way is to engage and work cooperatively...”<sup>23</sup>

A number of observers note that as a result of the Council’s increasing activism after 2011 the LMG reemerged.<sup>24</sup> As an Egyptian diplomat, writing in 2016, put it, “The Like-Minded Group (LMG), which had disappeared by the time of the end of the Commission on Human Rights era, was reborn as a by-product of these evolving group dynamics... Certainly, 2013 was a defining experience for the LMG... The vote on Council resolution 24/24 [referring to the resolution on Libya] and later its suspension at the General Assembly were



moments that significantly reinforced the cohesiveness of the [LMG] group, elevated its status and helped define its *raison d'être*.<sup>25</sup> In March 2014, Egypt delivered what some LMG members referred to as the group's charter.<sup>26</sup> The statement made several key points, including:

- Affirming state sovereignty, domestic legislation and the will of the Egyptian people over “external imposition or external vision”
- Insisting that the international community should “not politicize the work of the [Human Rights] Council” but rather implement human rights mechanisms “in a fair manner, and not... [apply] double standards”
- Rejecting “the attempts of some to impose their values and their social and legal standards” and not taking into “consideration the social differences, religious, legislative differences between populations” while criticizing “without understanding our daily problems”
- Emphasizing economic, social and cultural rights, including “the right to development”<sup>27</sup>

As with its conduct in the UNCHR, in the Council the LMG does not require permanent membership and countries have the flexibility to decide whether to associate with the group depending on the initiative or position.<sup>28</sup> In 2014, the Universal Rights Group estimated LMG membership to be 28 nations, yet an LMG participant claimed membership to be as high as 52 countries with Russia, China and Egypt spearheading coordination.<sup>29</sup> The group appears to be using some of the same strategies it used in the HRC, including proposing meaningless resolutions. By one estimate this has resulted in an increase in the number of HRC resolutions from 80 to around 100 annually since 2011.<sup>30</sup> In addition and perhaps more troubling, the group began to offer stiffer resistance to rights-friendly initiatives and resolutions, including using hostile amendments to attempt to alter, weaken, delay or block the original draft of the resolution.<sup>31</sup> Along these lines, as a report by the Permanent Mission of Switzerland noted, the practice of using hostile amendments to HRC resolutions “has

become more widespread since the reactivation of the Like-Minded Group (LMG).<sup>32</sup> For example, in 2014 when the HRC was considering an annual resolution on human rights defenders, which also renewed the mandate of the special rapporteur on the situation of human rights defenders, a Western European diplomat explained that:

[the timing of the introduction of the resolution] coincided with a number of countries returning to the Council as members, including China. So China, Russia, Cuba and Saudi Arabia [were] also elected as members... it was really a well-coordinated effort on behalf of the Like-Minded Group. I think mainly Egypt... [was] very much in the lead. And also Russia in particular, but China was very much a part of that... [securing passage of the resolution] was pretty difficult... [there were]... two amendments that were ... introduced from the floor by Russia. And China was very much a part of that group and co-sponsoring the amendments.<sup>33</sup>

In order to assess the LMG's positions in the Council and its membership, this report presents an analysis of the group's statements in the HRC from the 21st session in the fall of 2012 through the 36th session in the fall of 2017. Because the LMG is not a fixed or formal group and the term “like-minded” is commonly used in diplomacy, in order to identify the group's statements, this research involved combing through the OHCHR Extranet to examine submitted statements and reviewing the proceedings on the UN web TV. Both of these sources noted whether a particular country was delivering the statement on behalf of the Like-Minded Group.<sup>34</sup> In addition, when possible this was cross-checked with the websites of some country delegations, which often posted their statements after speaking for the LMG.<sup>35</sup> Where there was a country speaking for the “Like-Minded Group,” the composition and substance of the group were considered in order to verify that this was a “Like-Minded Group” statement.

This methodology revealed 62 Like-Minded Group statements during this time period with the number of countries affiliating with a particular position varying widely. A total of 51 countries affiliated with



the group's position at least once. However, Table 1 below shows only 31 countries signed on to nine or more LMG statements. The most active countries that signed onto 39 or more positions included Venezuela, Cuba, Egypt, Russia, Belarus, China, Pakistan, Bolivia,

Indonesia, Saudi Arabia, Algeria, Ecuador and India. While over a dozen countries took turns delivering the group's statements, China, Cuba, Egypt, Pakistan and Russia were the most frequent spokespersons.<sup>36</sup>

Table 1: Countries Signing on to Like-Minded Group Statements in the HRC

Country	Number of Statements Signed
Venezuela	52
Cuba	51
Egypt	48
Russia	47
Belarus	46
China	44
Pakistan	43
Bolivia, Indonesia, Saudi Arabia	40
Algeria, Ecuador, India	39
Bangladesh	34
Nicaragua, Vietnam	32
North Korea, Sri Lanka	31
Myanmar, Zimbabwe	30
Iran	29
United Arab Emirates	28
Uganda	27
Malaysia, Sudan	24
South Africa	20
Singapore	18
Philippines	17
Bahrain	14
Thailand	13
Kazakhstan	9
Bhutan, Tajikistan, Ethiopia, Eritrea, Namibia, Turkmenistan, Afghanistan, Angola, Mauritania, Syria, Brunei, Cambodia, Kuwait, Laos, Palestine, South Sudan Djibouti, Fiji, Maldives, Somalia	7 or fewer





The 62 LMG statements in the Human Rights Council reveal that the thrust of the group's positions in the Human Rights Council largely mirrored their previous positions in the UNCHR. The LMG's most common points were:

- Criticizing the “disproportionate focus on civil and political rights”<sup>37</sup> while seeking to elevate economic, social and cultural rights, including the right to development, by insisting that “every right should be treated on the same footing in a fair and equal manner... [and that the] right to development is inalienable and part of parcel of basic human rights.”<sup>38</sup>
- Insisting on the import of “mutual understanding and respect to different societal values, and levels of economic development,” including asserting the significance of national and regional particularities and various historical, cultural and religious backgrounds.<sup>39</sup>
- Prioritizing the use of technical assistance and capacity building based on the argument that “the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and be aimed at strengthening the capacity of Member States to comply with their human rights obligations.”<sup>40</sup>
- Denigrating country-specific human rights action as “naming and shaming,” “confrontational,”<sup>41</sup> “biased and politically motivated”<sup>42</sup> while insisting on human rights monitoring being implemented in a universal, non-selective and impartial way, particularly with regard to the Universal Periodic Review process.<sup>43</sup>
- Restricting the reach of the international human rights system based on the arguments referring to state sovereignty and interference in internal affairs while stressing that the state has the primary role in the protection of human rights domestically.<sup>44</sup>

In March 2016, Myanmar delivered a statement that was illustrative of the group's general views. The statement asserted that:

We firmly believe that efforts to promote and protect human rights for all should be based on the principles of universality, objectivity, non-selectivity, avoidance of double-standards and politicization. All human rights are universal, indivisible, interdependent, and interrelated. All human rights and fundamental freedoms must be treated in a fair and equal manner, on the same footing and with the same emphasis. At the same time, the realisation of human rights must be considered in the regional and national context keeping in mind different political, economic, legal, social, cultural, historical and religious backgrounds... Adoption of country-specific resolutions in the Council against the principles of universality, objectivity, non-selectivity, avoidance of double standards and politicization can in no way create a constructive, conducive and meaningful human rights dialogue.<sup>45</sup>

In addition to these broad human rights positions, the LMG also spoke out against human rights attention spotlighting particular countries. For example, the group especially objected to the Council's attention on Sri Lanka and Belarus<sup>46</sup> and it resisted changes to the Universal Periodic Review process by insisting that the UPR remain an objective, non-selective tool based on an exchange of ideas and sharing best practices rather than a mechanism to highlight abuses.<sup>47</sup> The LMG also took aim at the special procedures system, which is comprised of independent experts who serve within the UN system and investigate and report on human rights violations. The LMG alleged that some of the special procedures were not sufficiently deferential to state views, failed to be impartial and incorporate state-provided information, and did not abide by the code of conduct, particularly claiming that some special procedures interfered in the internal affairs of a state.<sup>48</sup> These statements may have achieved more than merely putting forward the group's rhetorical arguments. By reinforcing each other's views and shielding each other from human rights scrutiny, LMG countries may have been successful in easing normative human rights pressure on each other and therefore, weakening



moral suasion to comply with international human rights standards.<sup>49</sup> Moreover, as outlined in the next section, these LMG positions translated into restrictive positions in the ECOSOC NGO Committee where a number of countries constrained the ability of civil society organizations to gain UN accreditation.

### THE UN ECONOMIC AND SOCIAL COUNCIL COMMITTEE ON NGOS

The United Nations allows for civil society organizations to obtain UN consultative status and has in several instances affirmed the important role of civil society.<sup>50</sup> Article 71 of the UN Charter states that

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations...<sup>51</sup>

In 1996, the UN Economic and Social Council also affirmed “the breadth of non-governmental organisations’ expertise and the capacity of non-governmental organisations to support the work of the United Nations.”<sup>52</sup> Moreover, in 2014 the Special Rapporteur on the rights to Freedom of Peaceful Assembly and of Association noted that, “It should be acknowledged that a strong civil society sector is essential for multilateral institutions’ effectiveness, as it is often the best source of information on the ground.”<sup>53</sup> With respect to human rights, Navi Pillay, the former UN High Commissioner for Human Rights, affirmed that, “One cannot overestimate the contribution that civil society has made toward the development of international human rights standards... Today, civil society’s views, practical knowledge and scholarship are as crucial to the human rights movement as ever in the pursuit of justice and equality for all.”<sup>54</sup>

Beyond affirming the role of civil society, ECOSOC resolution 1996/31 governs the United Nations process for reviewing NGO applications for consultative status

and is the basis for the work of the ECOSOC Committee on NGOs.<sup>55</sup> The NGO Committee is comprised of 19 elected states that have responsibility for reviewing applications from non-governmental organizations and making recommendations on those applications to ECOSOC. According to ECOSOC resolution 1996/31 in order to obtain UN consultative status NGOs should meet the following criteria: engage in work that is relevant to and supportive of the UN’s mission; possess transparent and democratic decision-making, including a democratically adopted constitution; have established headquarters with an executive officer; have been in existence for two-years or more; enjoy substantive competence or authority to speak for its members; and be guided by a representational structure and appropriate mechanisms for accountability. As part of the application process, NGOs must provide the Committee copies of its constitution, charter, statutes or by-laws; its official registration; financial statements, including contributions and other support, and expenses; and examples of publication and recent articles or statements.<sup>56</sup>

The conferral of UN consultative status allows NGOs to better engage and access a range of UN bodies and processes. Accredited NGOs are able to attend international conferences and events, such as ECOSOC and Human Rights Council sessions; present written and oral statements at these events; organize parallel or side events; enter UN premises; and engage in networking and advocacy, including meeting with government delegations and other NGOs.<sup>57</sup> A number of NGOs have been particularly interested in the Human Rights Council, which serves as the UN’s principle intergovernmental body for addressing human rights.<sup>58</sup>

As a standing committee of ECOSOC, the NGO Committee meets twice a year for approximately a week and a half, including one regular session and one resumed session, and its 19 UN member states, include five from Africa, four from Asia, two from Eastern Europe, four from Latin America and the Caribbean, and four Western European states. The Committee can recommend that ECOSOC approve or deny an application for consultative status or the Committee can opt to defer the application. Any question, even





a mundane or innocuous one, from a Committee member automatically defers the application until the Committee's next session, six months later.<sup>59</sup> As a result of the Committee's rules, even arbitrary and repetitive questions serve to delay the application process, often for years. In fact, in numerous cases Committee members have effectively blocked the application of an NGO for years simply by putting forward a question during the Committee's biannual sessions. The experience of the International Dalit Solidarity Network, which seeks to end caste discrimination, is one of the most extreme examples of prolonged deferral as it has sought UN consultative status for nearly a decade since it first submitted its application in 2008.<sup>60</sup>

These rules and the arbitrary and prolonged deferrals have increasingly drawn criticism of the process as arcane and "unduly onerous."<sup>61</sup> As U.S. Ambassador Samantha Power put it, "It is increasingly clear that the NGO committee acts more and more like an anti-NGO committee."<sup>62</sup> The U.S. continued to express deep misgivings as it noted that "We are also concerned about the use of excessive and repetitive questions by certain Committee members, which unnecessarily delays the accreditation of credible NGOs that could contribute to ECOSOC's and the UN's work."<sup>63</sup> The crescendo of criticism grew in 2016 when over 230 NGOs and 45 countries signed an open letter that expressed concern "about recent actions taken by the Committee suggesting it functions in a politicized manner, particularly in regard to its consideration of application for consultative status from human rights organisations."<sup>64</sup> Further compounding these problems is the significant increase in the Committee's workload due to the growing number of civil society organizations seeking UN consultative status. The next section will examine the behavior of Like-Minded Group countries on the Committee.

### LMG MEMBERS IN THE ECOSOC NGO COMMITTEE

Given the Like-Minded group's positions in the UN Human Rights Council and the complaints about the Committee's functioning, this section investigates the

behavior of LMG countries in the NGO Committee, particularly examining actions to defer NGO applications. Although the LMG has not been active in delivering statements or taking formal action as a group in the UN's New York-based bodies, including ECOSOC and the NGO Committee, the countries that align with LMG positions in the Human Rights Council have been the most active states putting forward questions to hinder NGOs from obtaining UN accreditation.<sup>65</sup> During the time period covered in this report from 2016 through the winter 2018 session, 11 of the 19 Committee seats were held by LMG members including China, Cuba, India, Iran, Mauritania, Nicaragua, Pakistan, the Russian Federation, South Africa, Sudan and Venezuela.<sup>66</sup> During this period, of the 690 NGO applications deferred by the Committee 646 of those instances were due to a question from an LMG country.<sup>67</sup> Thus, 94 percent of the time an NGO experienced a deferral resulted from a question from an LMG country, and in some instances multiple LMG countries posed questions. Their conduct in the NGO Committee mirrors the domestic practices of the majority of LMG countries, which as noted by Freedom House tend to seek to muzzle and repress domestic civil society.<sup>68</sup> Of the LMG countries, a UN official described China, Russia and Cuba as "the most active, NGO opponents" that acted as the "driving force" in the Committee.<sup>69</sup> Further parsing the specific behavior of these countries, a New York-based diplomat observed that, "China is one of the leaders in deferring NGOs but in terms of who is active, vocal and bombastic, it is not China—it is more likely to be Russia, Cuba or Venezuela."<sup>70</sup>

Civil society organizations working on human rights have had particular difficulties with repetitive deferrals and often "face a protracted and challenging accreditation process due to the hostility of certain member States."<sup>71</sup> The International Service for Human Rights (ISHR), an NGO with an office in New York, estimates that human rights organizations face a 50 percent less likelihood of being recommended for accreditation than NGOs working in other areas.<sup>72</sup> Moreover, once an application is deferred the first time, ISHR estimates that it has only an 8 percent chance of gaining accreditation.<sup>73</sup> A UN official estimated that only about 25 to 27 percent of human rights NGOs get accreditation.<sup>74</sup> Given the LMG's



positions challenging a number of key tenets of the international human rights regime, these countries' resistance to human rights NGOs is not surprising. As an NGO representative put it, "I call this the payback Committee because countries that are unhappy with an NGO's vigorous human rights advocacy, use this Committee to harass, intimidate, block and punish NGOs. This is where countries get even."<sup>75</sup> In addition, some countries appear to have national agendas. Along these lines, China repeatedly raised concerns about the position of NGOs on Tibet and Taiwan and insisted that NGOs should not refer to Taiwan in such a way that might suggest that Taiwan was an independent political entity.<sup>76</sup> As part of Turkey's larger crackdown on civil society following a 2016 attempted coup, Turkey stripped particular NGOs of their domestic registration and then pushed for the Committee to revoke their UN accreditation on the basis that the organization no longer existed.<sup>77</sup>

Even the website content of human rights NGOs can cause LMG countries to resist an application. According to a UN official, "some countries might look at an NGO's website and see something that makes them suspicious of the NGO."<sup>78</sup> Along these lines, the Child Rights International Network (CRIN), faced repeated questions from China about the content of its website, especially information related to Tibet.<sup>79</sup> CRIN's website serves as a repository of NGO reporting to the UN Committee on the Rights of the Child, and some of the NGO reports on CRIN's website referenced the condition of children in Tibet and Tibetan parts of China. In the same spirit, when the NGO Committee considered the application of Freedom Now, an organization that works to free prisoners of conscience, China complained that the NGOs website "contained a lot of accusations against" UN member states.<sup>80</sup>

Human rights NGOs also faced persistent questions about their sources of financial support and information about their activities. According to a diplomat on the Committee, human rights NGOs often faced particularly intense questioning about "their funding, especially any government sources of support [and] the locations that they work."<sup>81</sup> For example, during the February 2018 review of the application of We care for Humanity, an NGO based

in the United States, "the representative of China said that the application noted that it was a non-profit organization; however, on its website, it had an online store that sold clothes, jewelry and other items... He asked for more information on how the revenue raised could be used for humanitarian work."<sup>82</sup> At times, NGOs felt that some questions were an attempt to gain sensitive information about the NGO's partners and sources of information in particular countries but often the questions were simply a strategy to delay and block the NGOs application.<sup>83</sup> Along these lines, during the NGO Committee's review of an application from the Iran Human Rights Documentation Center, which had applied for UN consultative status in 2011, Iran asked about its independence from funding sources on five previous occasions during earlier Committee sessions. When this repeat questioning was pointed out, Iran reformulated its question asking about "financial records and a list of planned projects."<sup>84</sup> Yet, Iran revealed the nature of its opposition during the Committee's February 2018 session when the delegate from Iran stated that the Iran Human Rights Documentation Center "was a pseudo-NGO that should not even be on the Committee's agenda. It was a political non-governmental organization financed by the Government of the United States to interfere in the internal affairs of a Member State and undermine Iran's sovereignty. Its activities had nothing to do with human rights, but rather sought to destabilize Iran. Furthermore, the group would not contribute to the work of the Economic and Social Council..."<sup>85</sup>

Even NGOs that do not focus on human rights face repeated questioning, leading to long deferrals. For example, in January 2016, following numerous deferrals the Trustees of the University of Pennsylvania, an educational institute, appeared before the Committee to participate in the interactive discussion, which provides an opportunity for applicants to answer questions and make their case in person. In response to China's question about the group's position on Tibet, the representative of the Trustees of the University of Pennsylvania said that "as an academic institution it did not take a political stance" and attempted to clarify that its mission was "literacy and equality." Yet, the representative of China insisted that "all non-governmental organizations must respect the



sovereignty and territorial integrity of every country as outlined in the United Nations Charter. He therefore requested written clarification addressing where the organization stood on Tibet.<sup>86</sup> NGO representatives who have appeared before the Committee describe it as “extremely hostile,” “similar to an inquisition,” and a “Kafkaesque court.”<sup>87</sup>

As noted previously, a single question, even ones that sound mundane, automatically defers the NGO’s application for half a year. Thus, LMG countries have often used uninteresting yet repeated questions to indefinitely block particular NGOs’ applications. In this vein, in May 2016, as the NGO Committee was considering the application of the Center for Media and Peace Initiative, Inc., the South African delegation “requested clarification on the concept of diaspora—whether it was African or European diaspora—and also more information on which media houses had benefitted from one of the organization’s programmes.”<sup>88</sup> When the NGO Committee reviewed the application of NK Watch, a South Korea based NGO working on North Korea, in May 2016, “the representative of Cuba asked for further information about the organization’s activities and projects.”<sup>89</sup> At the same time, as noted previously some NGO representatives suspect that there were instances when the questions appeared to be a fishing expedition to get potentially sensitive information, especially when an LMG country asked about partner organizations or sources of information in particular countries with human rights violations.<sup>90</sup> As a human rights activist put it, “there were questions that were clearly intended to figure out our contacts in certain countries, and our sources for information about human rights abuses.”<sup>91</sup>

As Cuba’s above questioning of a South Korean NGO demonstrates there are indications that LMG nations “carry each other’s water”<sup>92</sup> on the Committee and will ask questions on behalf of a fellow LMG country.<sup>93</sup> A human rights NGO representative who appeared before the Committee after facing repeated deferrals, noted that “it was clear that countries were asking questions on behalf of other countries.”<sup>94</sup> A non-LMG diplomat observed that if “a country delegate is not present, then another country’s delegate might ask a question on their behalf.”<sup>95</sup> As a diplomatic participant

noted, during the Committee session “you might see an observer state, such as Egypt get up and go over to a country that is sitting on the Committee, such as Sudan, Iran or Venezuela or China... and they obviously hand them a piece of paper, which we suspect is a pre-drafted question for a particular NGO. Then after this, the country delegation asks a question that reflects the interests of the observer state.”<sup>96</sup> Correspondingly, a UN official observed that you “can observe countries meeting outside the room before a session” and “even in the room you can see papers being passed from one delegation to another.”<sup>97</sup> This UN official elaborated that “countries help each other” and questions sometimes appear “to be suggested to them by other countries with whom they share general positions on the principles of NGO involvement... For example, you might have country A asking a question for country B, and vice versa.”<sup>98</sup> Moreover, a diplomat representing an LMG member country acknowledged that “they have informal exchanges” outside of the NGO Committee sessions.<sup>99</sup> Along these lines, according to reporting by the International Service for Human Rights, the Committee for Human Rights in North Korea (HRNK), a U.S.-based NGO, “faced questioning from a small group of countries. Committee member Russia has asked HRNK whether it reported North Korea’s successful human rights practices, particularly in education and healthcare. Russia and China have both questioned the group’s independence and sources of financing.”<sup>100</sup>

A Like-Minded Group diplomat defended this practice saying that even if an NGO is focused on a different country his delegation may have concerns of “inappropriate human rights work and positions, such as selective, country-focused criticism because this is not how to deal with human rights.”<sup>101</sup> Further, in explaining why countries object to NGOs working on other countries he noted that “a South Korean NGO currently working on DPRK could expand and cover other countries in the future, so we need to raise questions.”<sup>102</sup> Considering how frequently other countries have appeared to ask questions that reflect China’s interests in the Committee, a diplomat speculated that the Beijing might encourage other countries to put forward questions because they want to “spread the wealth by requesting that other countries



put forward some questions so that the PRC does not look like it is the one asking lots of questions.”<sup>103</sup> Some countries might also ask questions on behalf of an observer state that might struggle to gain a seat on the NGO Committee because of their particularly egregious human rights abuses. Along these lines, a diplomat noted that “some countries like DPRK, would have a hard time getting elected, so they might prefer to use this process of working through another state that is willing to do its bidding.”<sup>104</sup> An LMG member acknowledged that “If a country is not on the Committee they can still observe and make statements... and they could even circulate a note verbale about a particular NGO or ask another country to ask a question for them.”<sup>105</sup>

The motivations of these LMG countries in protecting each other's interests on the NGO Committee does not appear to be based on material gain or any anticipated pay off. A UN official suggested that he sees no signs of exchanging questions for material incentives or other favors, but that these countries' behavior appears to be driven by a “meeting of the minds” or “a shared desire to quiet civil society.”<sup>106</sup> On a similar note, a non-LMG diplomat said “there does not appear to be a quid pro quo but rather that these countries act out of solidarity for each other.”<sup>107</sup> Moreover, because stalling an NGO application requires only one simple question, this does not require significant forethought or coordination and the costs to the country posing a question are low. As a diplomat put it, the LMG “probably doesn't engage in central coordination, but does this on ad hoc basis... [because] all it takes is one simple question.”<sup>108</sup>

In order to overcome this kind of opposition from LMG countries that leaves NGOs in an indefinite limbo, some states on the Committee that are sympathetic to an NGO's cause or are supportive of a more robust role for civil society in the UN have called for a vote by the Committee on the application of an NGO. Given the composition of the NGO Committee, most of these applications are voted down. This, then, allows the state to bring the NGO's case directly to ECOSOC, which in numerous instances has voted to overturn the Committee's denial and confer UN consultative status. The U.S. used this strategy to assist the Committee to Protect Journalists, Freedom Now and the U.S.

Committee on Human Rights in North Korea to obtain consultative status. Likewise, the United Kingdom brought forth the application of Christian Solidarity Worldwide, which was also granted consultative status by ECOSOC. The calculus to take this action is based on the belief that in some cases “the NGO will never be able to satisfy some States, and [therefore, pushing for]... a decision on a blocked NGO by calling for a vote on whether or not to recommend status” provides the NGO with the opportunity to take their case directly to ECOSOC.<sup>109</sup> ECOSOC's action overturning the NGO Committee's decisions to deny status underscores the need to reform the NGO Committee and the misuse of their seats on the Committee by LMG countries.

## REFORMING THE WORKING METHODS OF THE NGO COMMITTEE

The disillusionment with the NGO Committee's functioning has spurred reform efforts that LMG countries have sought to stymie. For example, Like-Minded Group countries resisted the proposal from Chile, Uruguay and Mexico to allow for webcasting of the Committee's proceedings, which was ultimately implemented in 2017. LMG countries have even opposed allowing members of civil society the opportunity to address the Committee during its proceedings. In May 2016, the United States proposed that the Committee give the floor to the International Service for Human Rights, an NGO with offices in New York and Geneva. This request precipitated a “protracted and tense back-and-forth” regarding the Committee's practices and the right of NGOs to speak during the Committee's sessions.<sup>110</sup> Ultimately, ISHR was able to deliver a statement regarding widely shared civil society concerns about the Committee's functioning.<sup>111</sup>

While there have been discussions about reform, lack of political will and intransigence have prevented meaningful change. According to a diplomat serving on the Committee “this opposition to improving working methods predominantly comes primarily from Russia and China.”<sup>112</sup> Another diplomat reported that following discussions about reforming the Committee, a country belonging to the Like-Minded Group said,



“We are a majority, and we have the votes to block you.”<sup>113</sup> Given the LMG’s majority on the Committee, a UN official also expressed concern that reform attempts could be hijacked by repressive countries who would use the opportunity to “roll things backwards” and rather than improving working methods we would have “regression.”<sup>114</sup> Moreover, some observers have noted that the introduction of webcasting the NGO Committee’s proceedings, which was intended to improve transparency, has led to the unintended consequence of “delegates being more intense in their questioning because they were playing for the cameras to please people in capital [and show] that they were doing their job on the NGO Committee.”<sup>115</sup>

Yet, given ongoing concerns about the Committee, there is a clear need for reform. The obstructionist methods of LMG countries on the Committee, particularly restrict global south NGOs from accessing the UN. Not only do these NGOs often lack the means to travel to appear before the Committee and make their case in person, but also their home countries may not be as inclined to champion their case as the United States and United Kingdom have done. This section advances a variety of ideas for possible reform. These ideas range from official reforms that UN members, particularly members of ECOSOC which is the parent body of the NGO Committee could pursue, as well as changes in diplomatic practices that are more easily implementable among interested country delegations.

*Put forward better candidate countries for membership.* As the International Service for Human Rights pointed out, “authoritarian governments deliberately seek seats on the Committee in order to limit the influence of certain NGOs by denying accreditation to them.”<sup>116</sup> Thus, countries that are supportive of civil society should be urged to stand for election for the NGO Committee. It is particularly important that countries coming from outside the Western European and Others Group that are supportive of civil society run for a seat. Non-WEOG countries, such as Chile, Mexico and Uruguay, have actively used their participation in the Committee to defend civil society and were the proponents of improving transparency through webcasting.<sup>117</sup> While the Committee’s work is time consuming, and for smaller delegations with limited

resources this may be a strain, smaller countries can play a crucial role on the Committee. Putting forward better candidate countries for membership is essential to correct the overrepresentation of LMG countries on the NGO Committee.

*Bar countries that are reported to engage in reprisals against human rights defenders from being elected to the NGO Committee.* Although currently there are no membership criteria, ECOSOC members should introduce criteria and candidate countries to the NGO Committee must face greater scrutiny. One possible metric for a country’s record on protecting civil society space could be whether they have been included in the UN Secretary General’s report on reprisals against human rights defenders. The most recent report highlighted 29 countries that engaged in serious reprisals and 14 of those countries were countries had affiliated with the LMG.<sup>118</sup> A more ambitious reform would be to adjust the geographical make-up of the NGO Committee.

*Require a hiatus in membership or set term limits.* A number of the most problematic countries, particularly China, Russia and Cuba, have continuously held membership on the Committee for years. This has allowed these countries to remain in a position where they can continually block particular NGOs from obtaining consultative status. By requiring members to take a hiatus from Committee membership, this would potentially give states with that are committed to civil society an opportunity to serve on the Committee and prevent countries that are hostile toward civil society from monopolizing seats on the Committee.

*Call for votes.* Although the Committee prefers not to vote on applications and LMG countries might not want to be on record as blocking an application, as shown by the cases of the Committee to Protect Journalists, Freedom Now, Christian Solidarity Worldwide, and the U.S. Committee on the Human Rights in North Korea, this can be a successful tactic. While all of these NGOs were voted down in the NGO Committee, they prevailed in ECOSOC. Countries beyond the United States and the United Kingdom should be encouraged to call for a vote on the application of NGOs who have been continuously denied for political reasons.





*Set parameters or limits on questions.* As revealed above, states, particularly LMG countries, have abused their authority on the Committee by putting forward repeated questions, even very mundane ones. Countries have also abused the process by putting forward repetitive questions or new questions even after the NGO's application has been considered by the Committee numerous times. As a diplomatic participant lamented, "one question" is enough to derail an application for at least six months.<sup>119</sup> Thus, ECOSOC should reform the Committee's working methods, including only permitting questions related to the stated criteria, establishing guiding principles regarding acceptable questions, dismissing repeat questions, or even possibly insisting that Committee members put forward all of their questions during the initial review of the NGO application or limiting the number of times that the Committee reviews an application.<sup>120</sup>

*Increase transparency.* While the introduction of webcasting is a promising development, in order to further increase transparency, the UN should utilize more detailed reporting and make that reporting more easily accessible.<sup>121</sup> The official UN reports for each session often do not identify which country is putting forward a particular question and NGO applicants are not regularly informed which country put forward a question. Although the UN's meetings coverage is more detailed in identifying particular delegations, it is not made permanently available on the NGO Committee's website. Increased publicity and transparency might deter some countries from their such overtly oppositional and hostile behavior since some of them want to avoid being on record as being obstructionist. Moreover, non-member states that are supportive of civil society should be encouraged to attend the Committee's proceedings as observer states. The presence and voice of non-member states can make a difference. For example, when 40 observer states attended the Committee's session and echoed the recommendation for webcasting from Chile, Mexico and Uruguay, the proposal went through.<sup>123</sup>

*Establish space for NGOs to address the Committee.* Even though civil society participation in the UN is part of the Committee's mandate, LMG countries have regularly resisted allowing civil society representatives

the opportunity to address the Committee, even though it is a UN Committee that is ostensibly created to encourage civil society engagement. LMG countries specifically sought to prevent NGOs from voicing their grievances regarding the Committee's high number of deferrals and repeated questioning. While other UN bodies regularly include time for NGO statements, the NGO Committee attempts to muzzle civil society during their proceedings.

*Create more opportunities for NGO participation throughout the United Nations.* To the extent possible, UN bodies should increase opportunities for NGOs, even ones that lack UN consultative status to engage and participate. Along these lines, the UN's human rights treaty bodies should be applauded for not restricting civil society submissions only to those NGOs that have UN consultative status. Often, small grassroots NGOs, lacking the means of obtaining UN status are an excellent source of reporting on the conditions on the ground. For the same purpose, other parts of the UN should find ways to ensure that more diverse civil society voices are heard, especially less-well resourced, grassroots NGOs from the global south.

*Streamline the application process.* NGOs and diplomats have expressed concern that the application process needs to be streamlined and improved, including making the form and questions and answers for NGOs more straightforward rather than burdensome. Moreover, as part of the application process, NGOs are required to provide evidence that they have been in existence for at least two years, often in the form of a certificate of registration from their home government.<sup>124</sup> However, because a number of repressive countries do not allow independent NGOs and are clamping down on civil society, many civil society organizations are forced to register as for-profit entities or exist in a nebulous grey space. The requirement to produce a certificate of registration bars these kinds of NGOs, which are often grassroots NGOs working in repressive countries where human rights are most at risk, from even being considered for UN consultative status.

*Provide additional resources.* Several observers note that as the number of NGO applications for consultative status has grown, the NGO Committee needs



additional resources, including both increased staffing of the UN office that supports the Committee's work as well as increased meeting time. Moreover, the outdated system being used by the Committee to review NGO applications slows down the Committee's proceedings and wastes valuable time.<sup>125</sup>

The above proposals are a starting point in reforming the UN's NGO accreditation process, introducing greater fairness, impartiality and transparency. However, changing the UN's troubling practices and overcoming intransigence will not be easy. As scholar Elliott Abrams noted, "the worst countries are far more united in protecting human rights abuses than democracies are in protecting human rights."<sup>126</sup> In order to implement the reforms above, concerned UN member states will have to exercise strong leadership, commitment and political will. Moreover, states that embrace civil society will have to band together just as the Like-Minded Group has in its attempts to stymie civil society.

countries that embrace human rights, democracy and civil society to coalesce as a force in order to reform the UN's process for accrediting NGOs and more broadly to resist the regressive human rights positions espoused by the Like-Minded Group. Concerned states that want to see expanded space for civil society need to match the LMG's commitment to repression with a commitment to freedom.

## CONCLUSION

The LMG's actions have not been limited to advancing their views within the Human Rights Council. As detailed in this report, LMG countries have not only engaged in rhetorical arguments in the UN's human rights bodies, they have also challenged the ability of civil society to access the UN through their obstruction on the ECOSOC's NGO Committee. As the analysis of their behavior in the NGO Committee shows, the views LMG countries have expressed in the UN Commission on Human Rights and the UN Human Rights Council have translated into actions in other parts of the UN where they have sought to restrict the role of civil society in the United Nations. This prevents NGOs from using their unique expertise and reporting on human rights concerns to augment the work of the United Nations.

As outlined in this report, the LMG has devoted more time, energy and resources in organizing resistance to universal human rights norms and thwarting a robust civil society, than liberal democracies have in championing freedoms. The challenge now is for



## Endnotes

<sup>1</sup> The UN's meeting summaries were much more detailed than the UN reports on each session. The daily summaries are not archived indefinitely and are usually only available on the NGO Committee website for an estimated two years after each meeting. See, "The Committee on NGOs, Latest news on the Committee," United Nations ECOSOC NGO Committee, <http://csonet.org/index.php?menu=80>, accessed November 13, 2018. The diplomats I interviewed came from a variety of regions and included representatives from LMG and non-LMG countries.

<sup>2</sup> Even though the LMG had not yet formed as early as the UN World Conference in Vienna in 1993 some countries that later affiliated with the LMG took similar positions. China, Syria, Iran, Iraq, Cuba, Burma, Sudan, Libya, Vietnam, North Korea and Malaysia, were holding up the drafting process. Ann Kent, *China, the United Nations and Human Rights: The Limits of Compliance* (Philadelphia: The University of Pennsylvania, 1999), 179.

<sup>3</sup> Interview Southeast Asian diplomat, Geneva, May 25, 2011, Interview Western European diplomat, Geneva, May 26, 2011 and Interview North American diplomat, Washington DC, June 17, 2011. A former Egyptian diplomat even referred to himself as the "chief of the LMG." Interview with former Egyptian diplomat, Geneva, May 25, 2011. Others have pointed out that the LMG is comprised of a subset of Non-Aligned Movement countries that had particularly strong views on human rights. Interview with Southeast Asian diplomat, Geneva, May 25, 2011. After the 1989 Tiananmen Square crackdown and intensified scrutiny of China, the PRC made a concerted effort to frame its battle against UNCHR resolutions on its record as a defending the interests of developing countries. See, for example, Kent, *China, the United Nations and Human Rights*.

<sup>4</sup> Interview with Latin American diplomat, Geneva, June 1, 2011 and Interview with Southeast Asian diplomat, Geneva, May 25, 2011. LMG members give country-specific resolutions a negative gloss by referring to them as "naming and shaming," unfair and politically motivated "selectivity."

<sup>5</sup> "Freedom in the World, 2018," Freedom House, <https://freedomhouse.org/report/freedom-world/freedom-world-2018>, accessed November 14, 2018.

<sup>6</sup> For background see, Philip Alston, "Reconceiving the UN Human Rights Regime: Challenges Confronting the New UN Human Rights Council," *Melbourne Journal of Law* 7 (2006): 185-224. See also, UN Commission on Human Rights, "Rationalization of the work of the Special Procedures System," April 10, 1997, UN Doc. E/CN.4/1997/L.86 and Letter Dated 26 February 1999 from the Delegations of Algeria, Bhutan, China, Cuba, Egypt, India, Iran (Islamic Republic of), Malaysia, Myanmar, Nepal, Pakistan, Sri Lanka, Sudan, and Viet Nam Addressed to the Secretariat of the Commission on Human Rights, UN ESCOR, 55th session, Annex, Agenda Item 20, February 26, 1999, UN Doc. E/CN.4/1999/120.

<sup>7</sup> See, UN Commission on Human Rights, "Summary Record of the Fiftieth Meeting," December 11, 2000, UN Doc. E/CN.4/2000/SR.50, paragraph 74; UN Commission on Human Rights, Resolution 2000/83, "Work of the Sub-Commission on the Promotion and Protection of Human Rights," April 26, 2000; UN Commission on Human Rights, Decision 2000/109, "Enhancing the effectiveness of the mechanisms of the Commission on Human Rights," April 26, 2000; UN Commission on Human Rights, Resolution 2003/59, "The work of the Sub-Commission on the Promotion and Protection of Human Rights Commission on Human Rights" April 24, 2003; and UN Commission on Human Rights, Resolution 2005/53, "The Work of the sub-Commission on the Promotion and Protection of Human Rights," April 20, 2005. See also Kent, *China, the United Nations, and Human Rights*, 64 and 74-75 and "China Leads the Charge to Weaken the UN Human Rights System," Human Rights in China (HRIC), [www.hrichina.org/public/content/article?revision%5f=4348&item%5f=4347](http://www.hrichina.org/public/content/article?revision%5f=4348&item%5f=4347), accessed November 12, 2018.

<sup>8</sup> "Human Rights Features, Like-Minded Group: Unlikely protectors of human rights," South Asia Human Rights Documentation Centre, [www.hrdc.net/sahrdc/hrfeatures/HRF57.htm](http://www.hrdc.net/sahrdc/hrfeatures/HRF57.htm), accessed August 15, 2011. Similar observations from Interview with Western European diplomat, Geneva, May 26, 2011 and Interview with Human Rights NGO representative, Geneva, May 26, 2011. Resolutions are "the political expression" of the HRC members on a variety of human rights issues and while they are rarely binding, over the long-term they can impact general thinking on an issue. Permanent Mission of Switzerland to the UN, *The Human Rights Council: A Practical Guide*, (Geneva: Switzerland: Permanent Mission of Switzerland to the UN, 2014), 18.

<sup>9</sup> "Human Rights Features, Like-Minded Group: Unlikely protectors of human rights," South Asia Human Rights Documentation Centre, [www.hrdc.net/sahrdc/hrfeatures/HRF57.htm](http://www.hrdc.net/sahrdc/hrfeatures/HRF57.htm), accessed August 15, 2011.





<sup>10</sup> See for example, Dominguez Redondo, Elvira. "The Universal Periodic Review of the UN Human Rights Council: An Assessment of the First Session." *Chinese Journal of International Law* 7, no. 3 (2008): 721-34.

<sup>11</sup> Alston, "Reconceiving the UN Human Rights Regime," 198.

<sup>12</sup> UN Information Service, "Commission on Human Rights Opens Sixty-First Session," March 14, 2005, UN Doc HR/CN/1107.

<sup>13</sup> "Statement by H.E. Ambassador Sha Zukang, on behalf of the Like-Minded Group, at the 61st session of the Commission on Human Rights, 2005/03/14" Permanent Mission of the PRC to the UN in Geneva, [www.china-un.ch/eng/rqrd/rhsm/t187353.htm](http://www.china-un.ch/eng/rqrd/rhsm/t187353.htm), accessed August 20, 2017.

<sup>14</sup> The Universal Rights Group blog: "The Like Minded Group (LMG): Speaking truth to power," blog entry by Amr Essam, 2nd Secretary at the Permanent Mission of Egypt to the UN, May 10, 2016, accessed November 13, 2018.

<sup>15</sup> Interview with Western European diplomat, Geneva, May 26, 2011 and Interview with former Middle Eastern diplomat, Geneva, May 25, 2011.

<sup>16</sup> Interview with South Asian diplomat, Geneva, May 27, 2011.

<sup>17</sup> Interview with South Asian diplomat, Geneva, May 27, 2011.

<sup>18</sup> Relatedly, a diplomat participating in the LMG stated that "there was less of a necessity for the group" to work together under the LMG banner, citing less emphasis on country-specific action, Interview with Southeast Asian diplomat, Geneva, May 25, 2011.

<sup>19</sup> Interview with North American diplomat, Washington DC, June 17, 2011 and Interview with Latin American diplomat, Geneva, June 3, 2011.

<sup>20</sup> Interview with Western European diplomat, Geneva, May 26, 2011.

<sup>21</sup> See, for example, Suzanne Nossel, *Advancing Human Rights in the UN System, Working Paper* (Council on Foreign Relations, May 2012), [https://www.cfr.org/sites/default/files/pdf/2012/05/ILGG\\_WorkingPaper8.pdf](https://www.cfr.org/sites/default/files/pdf/2012/05/ILGG_WorkingPaper8.pdf), accessed September 11, 2017. The Commission had not included a similar provision and suspension of Libya was the first time this procedure was invoked by the Council.

<sup>22</sup> Interview with human rights NGO representative, May 31, 2011, Geneva, Switzerland, Interview with human rights NGO representative/human rights scholar, May 26, 2011, Geneva, Switzerland and Interview with Western European diplomat, Geneva, May 26, 2011.

<sup>23</sup> Interview with South Asian diplomat, May 31, 2011, Switzerland. This diplomat elaborated that after "you condemn something it is over and there is nothing more you can do about it after that" and that "cooperation and capacity building" were preferable. Similar points made by Interview with Southeast Asian diplomat, May 25, 2011.

<sup>24</sup> Interview with UN official, Geneva, June 24, 2016.

<sup>25</sup> The Universal Rights Group, "The Like Minded Group (LMG): Speaking truth to power," blog by Amr Essam, 2nd Secretary at the Permanent Mission of Egypt to the UN in Geneva, May 10, 2016, <https://www.universal-rights.org/blog/like-minded-group-lmg-speaking-truth-power/>, accessed November 5, 2018.

<sup>26</sup> Ibid.

<sup>27</sup> UN Web TV, "Egypt, High-Level Segment - 8th Meeting, 25th Regular Session Human Rights Council 5 Mar 2014 - High-Level Segment - 8th Plenary Meeting 25th Regular Session of the Human Rights Council," <http://webtv.un.org/meetings-events/human-rights-treaty-bodies/chairpersons%E2%80%99-meeting/watch/egypt-high-level-segment-8th-meeting-25th-regular-session-human-rights-council/3296881104001?page=2>, accessed November 5, 2018.

<sup>28</sup> The Universal Rights Group, "The Like Minded Group (LMG): Speaking truth to power," blog by Amr Essam, 2nd Secretary at the



Permanent Mission of Egypt to the UN in Geneva, May 10, 2016, <https://www.universal-rights.org/blog/like-minded-group-lmg-speaking-truth-power/>, accessed November 5, 2018.

<sup>29</sup> The Universal Rights Group, "The 2015 Human Rights Council," blog by Marc Limon and Toby Lamarque, November 17, 2014, <https://www.universal-rights.org/blog/the-2015-human-rights-council/>, accessed November 5, 2018 and The Universal Rights Group, "The Like Minded Group (LMG): Speaking truth to power," blog by Amr Essam, 2nd Secretary at the Permanent Mission of Egypt to the UN in Geneva, May 10, 2016, <https://www.universal-rights.org/blog/like-minded-group-lmg-speaking-truth-power/>, accessed November 5, 2018. 2013 did indeed appear to be a turning point. That spring the PRG delivered two statements, including one signed onto by 37 countries.

<sup>30</sup> The Permanent Mission of Switzerland to the UN, *The Human Rights Council: A Practical Guide* (Geneva, Switzerland: Permanent Mission of Switzerland to the UN), 24.

<sup>31</sup> Interview with Western European diplomat, via Skype, August 29, 2016.

<sup>32</sup> The Permanent Mission of Switzerland to the UN, *The Human Rights Council: A Practical Guide*, 22

<sup>33</sup> Interview with Western European diplomat, via Skype, August 29, 2016.

<sup>34</sup> This was usually noted in parenthesis following the name of the country.

<sup>35</sup> The UN Extranet can be accessed via: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/Pages/default.aspx> and requires registration in order to gain access.

<sup>36</sup> Noting the LMG's membership, a foreign policy scholar noted "What a list of countries! A rogue's gallery, with only North Korea missing from the list. What they are 'like-minded' about is jailing dissidents, preventing freedom of the press, corrupting or preventing free elections, and repressing human freedom." Council on Foreign Relations, "Like-Minded" Dictatorships and the United Nations, blog by Elliott Abrams, September 18, 2017, <https://www.cfr.org/blog/minded-dictatorships-and-united-nations>, accessed November 5, 2018.

<sup>37</sup> UN Human Rights Council Extranet, 31st Session, Oral Statements, 27th Meeting, Thursday, 10 March 2016, Egypt (on behalf of a like-minded group of states), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/31stSession/Pages/OralStatement.aspx?MeetingNumber=27&MeetingDate=Thursday%2010%20March%202016>, accessed November 5, 2018.

<sup>38</sup> UN Human Rights Council Extranet, 28th Session, Oral Statements, 11th Meeting, March 5, 2015, Egypt (on behalf of a like-minded group of countries), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/28thSession/Pages/OralStatement.aspx?MeetingNumber=11&MeetingDate=Thursday%2005%20March%202015>, accessed November 5, 2018. For similar statement, see also UN Human Rights Council Extranet, 31st Session, Oral Statements, 49th Meeting, March 18, 2016, Pakistan (on behalf of a like-minded Group of States), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/31stSession/Pages/OralStatement.aspx?MeetingNumber=49&MeetingDate=Friday%2018%20March%202016>, accessed November 5, 2018.

<sup>39</sup> UN Human Rights Council Extranet, 28th Session, Oral Statements, 11th Meeting, March 5, 2015, Egypt (on behalf of a like-minded group of countries), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/28thSession/Pages/OralStatement.aspx?MeetingNumber=11&MeetingDate=Thursday%2005%20March%202015>, accessed November 5, 2018. For similar statement, see UN Human Rights Council, 30th session, Oral Statements, 1st meeting, September 14, 2005, Egypt (on behalf of a like-minded Group of States), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/30thSession/Pages/OralStatement.aspx?MeetingNumber=1&MeetingDate=Monday%2014%20September%202005>, accessed November 5, 2018.

<sup>40</sup> UN Human Rights Council Extranet, 31st Session, Oral Statements, 27th Meeting, Thursday, 10 March 2016, Egypt (on behalf of a like-minded group of states), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/31stSession/Pages/OralStatement.aspx?MeetingNumber=27&MeetingDate=Thursday%2010%20March%202016>, accessed November 5, 2018. For similar statements, see UN Human Rights Council Extranet, 33rd Session, Oral Statements, 37th Meeting, September 29, 2016, Singapore (on behalf of a group of countries), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/33rdSession/Pages/OralStatement.aspx?MeetingNumber=37&MeetingDate=Thursday%2029%20September%202016>, accessed November 5, 2018. UN Human Rights Council Extranet, 23rd Session, Oral Statement, 20th meeting, June 4, 2013, Russia (on behalf of the Like-Minded Group), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/23rdSession/Pages/OralStatement.aspx?MeetingNumber=20&MeetingDate=Tuesday%2004%20June%202013>, accessed November 5, 2018.



<sup>41</sup> UN Human Rights Council Extranet, 28th Session, Oral Statements, 11th Meeting, March 5, 2015, Egypt (on behalf of a like-minded group of countries), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/28thSession/Pages/OralStatement.aspx?MeetingNumber=11&MeetingDate=Thursday%2025%20March%202015>, accessed November 5, 2018. See also, UN Human Rights Council Extranet, 28th Session, Oral Statements, 34th Meeting, March 17, 2015, Myanmar (on behalf of Like-Minded Group) <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/28thSession/Pages/OralStatement.aspx?MeetingNumber=34&MeetingDate=Tuesday%2017%20March%202015>, accessed November 5, 2018.

<sup>42</sup> UN Human Rights Council Extranet, 26th Session, Oral Statements, 19th Meeting, June 18, 2014, Russia (on behalf of Group of Like-Minded countries), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/26thSession/Pages/OralStatement.aspx?MeetingNumber=19&MeetingDate=Wednesday%2018%20June%202014>, accessed November 5, 2018 and UN Human Rights Council Extranet, 31st Session, Oral Statements, 49th Meeting, March 18, 2016, Pakistan (on behalf of a like-minded Group of States), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/31stSession/Pages/OralStatement.aspx?MeetingNumber=49&MeetingDate=Friday%2018%20March%202016>, accessed November 5, 2018.

<sup>43</sup> UN Human Rights Council Extranet, 28th session, Oral Statements, 4th Meeting, March 3, 2015, India (on behalf of Like-Minded Group) <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/28thSession/Pages/OralStatement.aspx?MeetingNumber=4&MeetingDate=Tuesday%203%20March%202015>, accessed November 5, 2018. 2015. See also UN Human Rights Council Extranet, 33rd Session, 26th Meeting, September 23, 2016, India (on behalf of a group of countries), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/33rdSession/Pages/OralStatement.aspx?MeetingNumber=26&MeetingDate=Friday%2023%20September%202016>, accessed November 5, 2018.

<sup>44</sup> The point on states as having primary responsibility did not reflect a genuine commitment to human rights, but rather was intended to limit the reach and authority of UN experts and officials. UN Human Rights Council Extranet, 27th Session, Oral Statement, 23rd Meeting, September 18, 2014, Russia (on behalf of Like-Minded group), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/27thSession/Pages/OralStatement.aspx?MeetingNumber=23&MeetingDate=Thursday%2018%20September%202014>, accessed November 5, 2018 and Egypt, March 25, 2015. UN Human Rights Council Extranet, 28th Session, Oral Statements, 53rd Meeting, March 25, 2015, Egypt, (on behalf of Like-Minded Group, <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/28thSession/Pages/OralStatement.aspx?MeetingNumber=53&MeetingDate=Wednesday%2025%20March%202015>, accessed November 5, 2018.

<sup>45</sup> UN Human Rights Council, 31st Session, Oral Statements, 39th Meeting, March 15, 2016, Myanmar (on behalf of LMG), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/31stSession/Pages/OralStatement.aspx?MeetingNumber=39&MeetingDate=Tuesday%2015%20March%202016>, accessed November 5, 2018. For similar statement, see UN Human Rights Council, 30th session, Oral Statements, 1st meeting, September 14, 2005, Egypt (on behalf of a like-minded Group of States), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/30thSession/Pages/OralStatement.aspx?MeetingNumber=1&MeetingDate=Monday%2014%20September%202015>, accessed November 5, 2018.

<sup>46</sup> UN Human Rights Council Extranet, 32nd Session, Oral Statements, 1st Meeting, June 13, 2016, Egypt (on behalf of a Like-Minded group of countries), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/32ndSession/Pages/OralStatement.aspx?MeetingNumber=1&MeetingDate=Monday%2013%20June%202016>, accessed November 5, 2018.

<sup>47</sup> UN Human Rights Council Extranet, 33rd Session, 26th Meeting, September 23, 2016, India (on behalf of a group of countries), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/33rdSession/Pages/OralStatement.aspx?MeetingNumber=26&MeetingDate=Friday%2023%20September%202016>, accessed November 5, 2019.

<sup>48</sup> UN Human Rights Council Extranet, 32nd Session, Oral Statements, 27th Meeting, June 23, 2016, India (on behalf of a group of Like-Minded countries), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/32ndSession/Pages/OralStatement.aspx?MeetingNumber=27&MeetingDate=Thursday%2023%20June%202016>, accessed November 5, 2018 and UN Human Rights Council Extranet, 35th Session, Oral Statements, June 16, 2017, Item 5: Human Rights Bodies and Mechanisms, Russian on behalf of a group of countries, <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/35thSession/Pages/Statements.aspx?SessionId=14&MeetingDate=16/06/2017%2000:00:00>, accessed November 5, 2018. During the summer 2016 session, LMG countries also strongly resisted the HRC President's appointment of new mandate holders within the special procedures system, and took great exception with the appointment of a new mandate holder to occupy the position of UN Special Rapporteur on Extrajudicial, Summary, and Arbitrary Executions. UN Human Rights Council, 31st Session, Oral Statements, 39th Meeting, March 15, 2016, Myanmar (on behalf of LMG), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/31stSession/Pages/OralStatement>.



[aspx?MeetingNumber=39&MeetingDate=Tuesday,%2015%20March%202016](#), accessed November 5, 2018.

<sup>49</sup> As scholars might put it, the LMG's presence and mutual defense prevents a "tipping point" from being reached in which human rights achieve a "cascade effect" as increasing number of countries embrace human rights norms. By providing an alternate reference group, the LMG has resisted normative diffusion. Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, no. 4 (Autumn 1998): 887-891.

<sup>50</sup> NGOs have long been involved with the UN, including participating at the founding conference in 1945. For background, see C. Alger, "The Emerging Roles of NGOs in the UN System: From Article 71 to a People's Millennium Assembly," *Global Governance* 8, no. 1 (2002): 93-117.

<sup>51</sup> United Nations, Charter, Chapter X, Article 71. ECOSOC consists of 54 states elected by the General Assembly for overlapping three-year terms. The geographic breakdown is as follows: Africa 14, Asia 11, Eastern Europe 6, Latin America and Caribbean 10, and Western Europe and other states 13.

<sup>52</sup> UN Economic and Social Council, Resolution 1996/31, "Consultative relationship between the United Nations and non-governmental organizations," July 25, 1996.

<sup>53</sup> United Nations General Assembly, "Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association," September 1, 2014, UN Doc. A/69/365.

<sup>54</sup> UN Economic and Social Council, "Working with ECOSOC: An NGO's Guide to Consultative Status," September 2011, <http://csonet.org/content/documents/Brochure.pdf> (accessed August 24, 2017), 18.

<sup>55</sup> The previous governing resolution had been Resolution 1296 passed in 1968. Prior to the 1996 ECOSOC resolution, a UN official noted that UN civil society participation was mainly directed toward international organizations that were "recognized actors on global issues" but resolution 1996/31 opened the door to smaller, national-level NGOs. Interview UN official, New York, June 14, 2018. The ambiguous language of resolution 1996/31 is the result of compromises and some ongoing disagreement at the time of its passage. Jurij Daniel Aston, "The United Nations Committee on Non-governmental Organizations: Guarding the Entrance to a Politically Divided House," *European Journal of International Law* 12, no. 5 (2001): 946.

<sup>56</sup> United Nations, *Working with ECOSOC: An NGO's Guide to Consultative Status* (New York: United Nations, 2011), 29. According to resolution 1996/31 an organization "should attest that it has been in existence for at least two years as at the date of receipt of the application by the Secretariat" and the UN secretariat has requested a copy of registration, generally issued by the national government. "How to Apply for consultative status with ECOSOC?," United Nations Department of Economic and Social Affairs, [www.un.org/development/desa/dspd/civil-society/ecosoc-status.html](http://www.un.org/development/desa/dspd/civil-society/ecosoc-status.html), accessed November 13, 2018.

<sup>57</sup> United Nations, *Working with ECOSOC: An NGO's Guide to Consultative Status*, 7 and 11.

<sup>58</sup> A number of NGO representatives underscored that accreditation is valuable because it increases their visibility and increases their opportunities to engage in international advocacy. Interview NGO representative, New York, June 15, 2018.

<sup>59</sup> United Nations, *Working with ECOSOC: An NGO's Guide to Consultative Status*, 34.

<sup>60</sup> "Political interests continue to distort the decision of the NGO Committee, but this time the world is watching," International Service for Human Rights, <https://www.ishr.ch/news/political-interests-continue-distort-decisions-ngo-committee-time-world-watching-0>, June 14, 2016, accessed November 13, 2018.

<sup>61</sup> Joint Statement on Methods of Work for the Regular January 2018 Session of the UN Committee on Non-Governmental Organizations," US Mission to the United Nations, <https://usun.state.gov/remarks/8290>, accessed November 13, 2018.

<sup>62</sup> Melissa Kent, "Politicized UN committee using 'repeated and arbitrary deferrals' to block NGOs, critics say," January 21, 2018 <https://www.cbc.ca/news/world/un-ngo-committee-politics-1.4494291>, accessed November 13, 2018.

<sup>63</sup> "Joint Statement on Methods of Work for the Regular January 2018 Session of the UN Committee on Non-Governmental Organizations," United States Mission to the United Nations, <https://usun.state.gov/remarks/8290>, accessed November 13, 2018.



Similarly, the UN Special Rapporteur on the Rights to Freedom of Assembly and Association, stated that these “practices were deeply disconcerting” and that they “profoundly undermine the ability of the United Nations to constructively engage with civil society.” United Nations General Assembly, “Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association,” September 1, 2014, UN Doc. A/69/365. The broader clamp down on civil society was also noted by the UN Secretary-General, who noted the “disturbing pattern of actions against NGOs whose work is essential to progress” around the world and urged that the international community “cannot allow this authoritarian impulse to silence NGOs.” “Secretary-General’s Press Conference at opening of 66th Annual UN DPI/NGO Conference,” United Nations Secretary General, May 30, 2016, <https://www.un.org/sg/en/content/sg/press-encounter/2016-05-30/secretary-generals-press-conference-opening-66th-annual-un>, accessed November 19, 2018.

<sup>64</sup> “Open Letter to ECOSOC regarding the Committee on NGOs,” Human Rights Watch, <https://www.hrw.org/news/2016/05/24/open-letter-ecosoc-regarding-committee-ngos>, accessed November 13, 2018.

<sup>65</sup> Although the LMG is not technically active in the UN’s New York-based bodies, a UN official noted that most of the diplomats representing their countries in the NGO Committee also represent their countries in the Third Committee, which handles human rights related issues. Moreover, a number of diplomats on the NGO Committee have served in Geneva representing their country on the Human Rights Council. Thus, there is “coordination and coherence” between their Human Rights Council and NGO Committee positions. Interview, UN official, New York, June 14, 2018. Similarly, an LMG diplomat who was interviewed in New York noted that he was departing for Geneva the next day for the Human Rights Council session. Interview, diplomat, New York, June 15, 2018. Some of the LMG countries have participated in the Cross-Regional Group (CRG), whose membership and views align with the LMG. The CRG is active in some of the New York-based bodies.

<sup>66</sup> “The Committee on NGOs,” UN Department of Economic and Social Affairs, <http://csonet.org/?menu=105>, accessed November 13, 2018.

<sup>67</sup> In only 44 of those instances the question came from a non-LMG country.

<sup>68</sup> “Freedom in the World, 2018,” Freedom House.

<sup>69</sup> Interview UN official, June 14, 2018. The International Service for Human Rights identifies China, Cuba, Iran, Pakistan, Russia, Sudan and Venezuela as some of the active in posing questions. International Service for Human Rights, *A Practical Guide to the UN Committee on NGOs* (New York: International Service for Human Rights 2017), 48.

<sup>70</sup> Interview with diplomat, New York, June 14, 2018.

<sup>71</sup> International Service for Human Rights, *A Practical Guide to the UN Committee on NGOs*, 4 and 10.

<sup>72</sup> “Political interests continue to distort the decision of the NGO Committee, but this time the world is watching,” International Service for Human Rights. ISHR estimated that 70 percent of new applications by human rights organizations were deferred. For similar points, see International Service for Human Rights, *A Practical Guide to the UN Committee on NGOs*, 42.

<sup>73</sup> “Political interests continue to distort the decision of the NGO Committee, but this time the world is watching,” International Service for Human Rights.

<sup>74</sup> Interview UN official, New York, June 14, 2018.

<sup>75</sup> Interview NGO representative, New York, June 15, 2018. For similar point, see Aston, “The United Nations Committee on Non-governmental Organizations: Guarding the Entrance to a Politically Divided House,” 949.

<sup>76</sup> International Service for Human Rights, *A Practical Guide to the UN Committee on NGOs*, 28.

<sup>77</sup> United Nations, Economic and Social Council, Committee on Non-Governmental Organizations, “Meetings coverage, Opening Session, Non-governmental Organizations Committee Recommends Consultative Status for 21 Groups, Defers Action on 13 Others,” January 30, 2017, ECOSOC/6805-NGO/841.

<sup>78</sup> Interview UN official, New York, June 14, 2018.



<sup>79</sup> International Service for Human Rights, *A Practical Guide to the UN Committee on NGOs*, 49.

<sup>80</sup> Report of the Committee on Non-governmental Organizations on its 2006 Regular Session (New York, 26 May-3 June and 12 June 2015) 17 June UN Doc. E/2015/32 (Part II), paragraphs 23-28.

<sup>81</sup> Interview diplomat, New York June 14, 2018.

<sup>82</sup> United Nations, "Meetings Coverage, Opening Session of Regular Session, Non-Governmental Organizations Committee Recommends Consultative Status to 2 Groups, Defers Action on 44, Opposes 1," February 5, 2018, ECOSOC/6886-NGO/866.

<sup>83</sup> Interview with NGO representative, London, May 27, 2016

<sup>84</sup> "The NGO Committee: The ECOSOC body that shames the UN," International Service for Human Rights, <https://www.ishr.ch/news/ngo-committee-ecosoc-body-shames-un>, accessed November 14, 2018.

<sup>85</sup> United Nations, "Meetings Coverage, Opening Session of Regular Session, Non-Governmental Organizations Committee Recommends Consultative Status to 2 Groups, Defers Action on 44, Opposes 1," February 5, 2018, ECOSOC/6886-NGO/866.

<sup>86</sup> Human Rights Watch, *The Costs of International Advocacy: China's Interference in United Nations Human Rights Mechanisms* (New York: Human Rights Watch, 2017), 38-39.

<sup>87</sup> Interview with NGO representative, London, May 27, 2016 and Interview with NGO representative, London, June 1, 2016. International Service for Human Rights, *An NGOs Guide to Consultative Status*, 33. While some NGOs have suggested that this might help overcome concerns or obstacles, the UN notes that "the presence of NGO representatives is not mandatory and will not affect the outcome of your application in any way." Some NGOs that have had several questions and, therefore, years of deferrals opt to attend the Committee on NGOs session where they can participate in an interactive discussion that allows them to answer the Committee member's questions directly and in essence present their case to the Committee.

<sup>88</sup> United Nations, Economic and Social Council, Committee on Non-Governmental Organizations, "Non-Governmental Organizations Committee Recommends 12 Groups for Consultative Status, Postpones Action on 33, May 31, 2016, ECOSOC/6764-NGO/837.

<sup>89</sup> United Nations, Economic and Social Council, Committee on Non-Governmental Organizations, "Non-Governmental Organizations Committee Recommends Special Status for 33 Groups, Postpones Action on 45 in Second Day of Session," May 24, 2016, ECOSOC/6760-NGO/830.

<sup>90</sup> Interview with NGO representative, New York, June 15, 2018 and interview with NGO representative, London, May 27, 2016.

<sup>91</sup> Interview with NGO representative, London, May 27, 2016.

<sup>92</sup> Interview with NGO representative, New York, June 15, 2018.

<sup>93</sup> Similar point made in International Service for Human Rights, *A Practical Guide to the UN Committee on NGOs*, 57.

<sup>94</sup> Interview with NGO representative, New York, June 15, 2018.

<sup>95</sup> Interview with diplomat, New York, June 14, 2018.

<sup>96</sup> Interview with diplomat, New York, June 14, 2018.

<sup>97</sup> Interview with UN official, New York, June 14, 2018.

<sup>98</sup> Interview with UN official, New York, June 14, 2018.

<sup>99</sup> Interview with diplomat, New York, June 15, 2018.



<sup>100</sup> “NGO Committee: Will the UN benefit from full participation of NGOs expert on North Korea?” International Service for Human Rights, <https://www.ishr.ch/news/ngo-committee-will-un-benefit-full-participation-ngos-expert-north-korea>, accessed November 14, 2018.

<sup>101</sup> Interview with diplomat, New York, June 15, 2018.

<sup>102</sup> Interview with diplomat, New York, June 15, 2018.

<sup>103</sup> Interview with diplomat, New York, June 14, 2018.

<sup>104</sup> Interview with diplomat, New York, June 14, 2018.

<sup>105</sup> Interview with diplomat, New York, June 15, 2018. A note verbale is a form of diplomatic correspondence that states can use to circulate particular positions.

<sup>106</sup> Interview with UN official, New York, June 14, 2018.

<sup>107</sup> Interview with diplomat, New York, June 14, 2011.

<sup>108</sup> Interview with diplomat, New York, June 14, 2018.

<sup>109</sup> International Service for Human Rights, *A Practical Guide to the UN Committee on NGOs*, 55.

<sup>110</sup> “230 NGOs call for defense of freedom of association at the UN,” International Service for Human Rights, <https://www.ishr.ch/news/230-ngos-call-defence-freedom-association-un>, accessed November 14, 2018.

<sup>111</sup> “NGO Committee: The ECOSOC body that shames the UN,” International Service for Human Rights. For example, even though an NGO had been allowed to speak during the previous session, the PRC delegation insisted that the NGO Committee didn’t have time to listen to NGOs for what would have amounted to a 3-minute statement.

<sup>112</sup> Interview with diplomat, New York, June 14, 2018.

<sup>113</sup> Interview with diplomat, New York, June 14, 2018.

<sup>114</sup> Interview with UN official, New York, June 14, 2018.

<sup>115</sup> Interview with diplomat, New York, June 14, 2018. Similar comment from another diplomat from a different region. Interview with diplomat, New York, June 14, 2018.

<sup>116</sup> International Service for Human Rights, *A Practical Guide to the UN Committee on NGOs*, 42.

<sup>117</sup> Open Letter to ECOSOC regarding the Committee on NGOs,” Human Rights Watch, <https://www.hrw.org/news/2016/05/24/open-letter-ecosoc-regarding-committee-ngos>, accessed November 13, 2018.

<sup>118</sup> United Nations General Assembly, “Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, Report of the Secretary-General,” August 13, 2018, UN Doc. A/HRC/39/41.

<sup>119</sup> Interview with diplomat, New York, June 14, 2018.

<sup>120</sup> Joint Statement on Methods of Work for the Regular January 2018 Session of the UN Committee on Non-Governmental Organizations,” US Mission to the United Nations, <https://usun.state.gov/remarks/87290>, accessed November 13, 2018.

<sup>121</sup> The official UN report for the entire session, often does not contain detail regarding the origin of questions and the statements made by country delegations. Moreover, some diplomats report that the UN’s daily meetings summary is not always accurate. More troubling is that these detailed summaries of the daily sessions of the NGO Committee are not archived, and are only made available on the NGO Committee’s website for a limited amount of time.





<sup>122</sup> In one reported instance, despite the normal practice of videoing the proceedings, when the China delegate was speaking, they pushed for the video to be turned off. Interview with NGO representative, New York, June 15, 2018.

<sup>123</sup> “Political interests continue to distort the decision of the NGO Committee, but this time the world is watching,” International Service for Human Rights.

<sup>124</sup> International Service for Human Rights, *A Practical Guide to the UN Committee on NGOs*, 19.

<sup>125</sup> International Service for Human Rights, *A Practical Guide to the UN Committee on NGOs*, 30. According to participants, during the NGO Committee’s proceedings the diplomats view each NGO application and the computer system takes time to load each application. Thus, rather than quickly reviewing previously accessed applications, more time is spent on each application.

<sup>126</sup> Council on Foreign Relations, “Like-Minded Dictatorships and the United Nations, Elliott Abrams blog post, September 18, 2017.





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**United States House of Representatives  
Congressional-Executive Commission on China**

**“Truth in Testimony” Disclosure Form**

*In accordance with Rule XI, clause 2(g) of the Rules of the House of Representatives, witnesses are asked to disclose the following information. Please complete this form and attach it to your written testimony and it may be made publicly available in electronic format.*

1. Date of Hearing:
2. Hearing Title:
3. Your Name:
4. Organization, organizations, or government entity you are representing:
5. Position title:
6. Are you an active registrant under the Foreign Agents Registration Act (FARA)?  
\_\_\_\_\_ Yes \_\_\_\_\_ No

**False Statement Certification:**

Knowingly providing material false information to this commission, or knowingly concealing material information from this commission, is a crime (18 U.S.C. 1001). This form may be made part of the hearing record.

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**Witness Signature**

**Date**

### *Witness Biographies*

#### **Teng Biao, Hauser Human Rights Scholar, Hunter College, and Pozen Visiting Professor, University of Chicago**

Teng Biao, an academic lawyer, is currently Hauser Human Rights Scholar at Hunter College, City University of New York. He was formerly a lecturer at China University of Political Science and Law and Pozen Visiting Professor at the University of Chicago. His research focuses on China's criminal justice, human rights, social movements, and political transition. He co-founded two human rights NGOs in Beijing—the Open Constitution Initiative, and China Against the Death Penalty, in 2003 and 2010, respectively. Teng is one of the earliest promoters of the Rights Defense Movement and the New Citizens Movement in China and has received various international human rights awards including the Human Rights Prize of the French Republic (2007) and the Democracy Award from the National Endowment for Democracy (2008). He is completing a book on China's threat to global freedom and democracy.

#### **Rana Siu Inboden, Senior Fellow, Robert Strauss Center for International Security and Law, University of Texas at Austin**

Rana Siu Inboden is a senior fellow with the Robert Strauss Center for International Security and Law at the University of Texas at Austin. She serves as a consultant on human rights, democracy and rule of law projects in Asia for a number of NGOs and conducts research related to international human rights, Chinese foreign policy, the effectiveness of international human rights and democracy projects and authoritarian collaboration in the United Nations. Her book, *China and the International Human Rights Regime*, examines China's role in the international human rights regime between 1982 and 2017. Dr. Inboden has served in the U.S. State Department's Bureau of Democracy, Human Rights, and Labor, where her primary responsibilities included managing the State Department's Human Rights and Democracy Fund China Program and promoting U.S. human rights and democracy policy in China and North Korea. She also served at the U.S. Consulate in Shanghai, in the Office of Chinese and Mongolian Affairs, and in the Bureau of Intelligence and Research. Dr. Inboden holds a DPhil from the Department of Politics and International Relations at Oxford University. She received an M.A. from Stanford University in East Asian Studies and a B.S. from the School of Foreign Service at Georgetown University.

#### **Sophie Richardson, China Director, Human Rights Watch**

Sophie Richardson is China Director at Human Rights Watch. She has overseen the organization's research and advocacy on China since 2006 and has published extensively on human rights and political reform in the country and across Southeast Asia. She has testified at the Canadian Parliament, European Parliament, and the United States Senate and House of Representatives. Dr. Richardson is the author of *China, Cambodia, and the Five Principles of Peaceful Coexistence* (Columbia University Press, Dec. 2009), an in-depth examination of China's foreign policy since 1954's Geneva Conference, including rare interviews with Chinese policy makers. She speaks Mandarin and received her doctorate from the University of Virginia and her B.A. from Oberlin College.

