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# CHINA'S LONG GAME ON HUMAN RIGHTS AT THE UNITED NATIONS

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## EXECUTIVE SUMMARY

Consistent with its ambitions to play a central role in leading the international order, China is emerging as a pivotal player in the international human rights system. In the past few years, China has shifted from its traditionally more defensive posture to a more activist role, particularly on the U.N. Human Rights Council. This stems from a two-part strategy that seeks to 1) block international criticism of its repressive human rights record, and 2) promote orthodox interpretations of national sovereignty and noninterference in internal affairs that weaken international norms of human rights, transparency, and accountability. While these goals are not new, the more proactive tactics that Chinese officials are using, especially since the reappointment of President Xi Jinping, suggest the start of a more wholesale campaign to reshape the rules and instruments of the international human rights system.

This paper looks at China's behavior at the United Nations, including seven specific votes at the U.N. Human Rights Council from 2016-18 that illustrate both of these Chinese goals, as well as examples beyond the Council where China has influenced human rights decisionmaking at the U.N. and elsewhere. The paper then considers how other states, including swing states that alternate between Western and non-Western positions, are responding to or working alongside China's more assertive behavior on human rights. While tangible evidence of Chinese pressure on other states to change voting positions is difficult to collect, some signs suggest that states with important economic and political ties to Beijing are more likely to mute any criticism of China's human rights record and/or support its efforts to weaken the international human rights system.

Given China's growing leverage on the world scene, we can expect to see more examples emerge going forward. Countervailing forces—domestic and international pressure to uphold international human rights norms and mechanisms—are still important but may lose influence given current geopolitical trends, the U.S. retreat from leadership of key international institutions, and ongoing attacks on civil society and the media. To address these challenges, this paper recommends revitalizing a cross-regional coalition of democratic states to consolidate the gains of the international human rights system, fight Chinese attempts to undermine them, and protect civil society's vital role as independent watchdogs for upholding universal norms.



## CHINA'S GROWING INVOLVEMENT IN THE U.N. HUMAN RIGHTS SYSTEM

The People's Republic of China's (PRC) role in the international human rights system is marked by three distinct periods: prior to the Tiananmen Square protests of 1989, when China played very little role; from 1989-2013, when China became more active on both the U.N. Commission on Human Rights (UNCHR)<sup>1</sup> and the U.N. Human Rights Council (UNHRC) in defending its own and like-minded governments' human rights records; and post-2013, when China has become progressively more assertive in promoting its own interpretation of international norms and mechanisms.

Following the Tiananmen Square protests, "Chinese officials found themselves for the first time facing international human rights scrutiny."<sup>2</sup> China stepped up its engagement primarily out "of a desire to protect itself from scrutiny, and, therefore, took positions such as limiting the [U.N.] regime's ability to focus on individual countries."<sup>3</sup> China's 1991 "white paper," an effort to mitigate the negative media it faced after Tiananmen Square, emphasized that "Chinese citizens are allowed to exercise their individual rights and freedoms only to the extent that they do not violate state interests, the interests of society at large or of the collective, and the rights of other citizens."<sup>4</sup> The white paper signaled the period of China's stepped-up engagement on human rights at the U.N., primarily from a defensive posture, and was the first example of what Chinese leaders have referred to as human rights "with Chinese characteristics." This approach to human rights is consistent with China's policy today, and "with respect to the central arguments, the People's Republic has not changed its position for more than two decades."<sup>5</sup>

From 1990 to 2005, Chinese diplomats defeated 12 UNCHR resolutions critical of the country's human rights record, in part by providing economic incentives to developing country swing states.<sup>6</sup> In the fall of 1995, Chinese officials visited Mali, Guinea, Senegal, Gabon, Cameroon, Côte d'Ivoire, and Egypt. All of these countries "voted with China in the UNCHR April 1996 'no-action' motion."<sup>7</sup> China's willingness to provide incentives to win votes on the Commission, a tactic other states have adopted, was driven by a desire to block criticism of its human rights record, rather than to advance a broader agenda. China was otherwise a relatively passive member of the Commission, consistently defending its own and like-minded governments' human rights records, but rarely taking the lead to shape the Commission's work.

During negotiations in New York to establish the Human Rights Council, a more robust version of the predecessor CHR, China made its goals and priorities abundantly

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1 The Commission on Human Rights was the governing body for human rights at the U.N. from 1946 to 2006. In 2006, U.N. member states agreed to replace it with a higher-ranking body, the Human Rights Council.

2 Rana Siu Inboden, "China and the international human rights regime: 1982-2011," (PhD diss., Oxford University, 2014), 8, <https://ethos.bl.uk/OrderDetails.do?sessionid=3AC660B99F42571C5775F3F23B4AB665?uin=uk.bl.ethos.686939>.

3 Ibid., 2.

4 Katrin Kinzelbach, "China's White Paper on Human Rights," (Berlin: Global Public Policy Institute, 2016), <https://www.gppi.net/publications/human-rights/article/chinas-white-paper-on-human-rights/>; Katrin Kinzelbach, "Will China's Rise lead to a new normative order?" *Netherlands Quarterly of Human Rights* 30, no. 3 (2012): 299-332.

5 Katrin Kinzelbach, "China's White Paper on Human Rights."

6 Rana Siu Inboden, "China and international human rights," 9. "Swing states" in this paper refers to countries who switch between voting with the Like-Minded Group and the Western bloc, and thus whose votes are more susceptible to being bought.

7 "China: Chinese Diplomacy, Western Hypocrisy and the UN Human Rights Commission," (New York: Human Rights Watch, 1997), <https://www.hrw.org/legacy/reports/1997/china2/>.

clear. The Chinese initially resisted the formation of the Council, preferring that the principal mechanism for human rights at the U.N. remain the lower grade and more manipulable Commission on Human Rights. After conceding that the creation of a new body was inevitable, Chinese diplomats fought to avoid membership criteria for the Council, remove its authority to consider country-specific resolutions, and otherwise weaken mechanisms to monitor and scrutinize specific violations.<sup>8</sup> Once agreement was reached that the HRC would address country-specific resolutions, China advocated unsuccessfully for a required two-thirds vote to approve these resolutions, in an effort to avoid action that could examine China's record in the future.<sup>9</sup> Throughout the process, however, China let other like-minded countries take the lead and only asserted itself on a few key issues.<sup>10</sup> During its first two terms as a member of the new Council from 2006-12, China remained a background player, supporting the actions of the "Like-Minded Group" of states that oppose a more activist human rights agenda,<sup>11</sup> but rarely asserting its own individual position.

Since returning to the Human Rights Council in 2013<sup>12</sup>—and following Xi Jinping's selection as president—China has become more confident in pushing its agenda in Geneva. Despite the country's declining human rights record, China successfully ran for a seat on promises to ensure "economic, social, and cultural rights ... strengthen the development of democracy and the rule of law ... further protect civil and political rights ... and continue to take an active part in the work of the Human Rights Council."<sup>13</sup> One way China's increased role at the Council was manifested took place in March 2015 during the 29th session, when its delegation "made (or prepared) 35 discrete, formal interventions, compared to 26 such statements a year earlier," including interventions on country-specific situations—notably, Syria, Eritrea, and Belarus.<sup>14</sup> At the same session, the Chinese government also addressed women's rights through organizing a joint statement and co-sponsoring an event on violence against women, while simultaneously disrupting the work of women's rights organizations back in China.<sup>15</sup>

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8 Rana Siu Inboden, "China and international human rights," 13.

9 Ibid., 19. Although such a high threshold was not adopted, China has managed to avoid any country-specific resolutions directed at it since the Council began operating in 2006.

10 Ibid., 21. Ultimately, the UNHRC was established in 2006 as a 47-member body. States must run for election and can serve two three-year terms before taking one year off. The United States did not join the Council when it was formed, while China served from 2006-12 and has served since 2013.

11 The "Like-Minded Group" refers to a group of developing countries that tends to vote as a bloc at the U.N. These countries include Bangladesh, China, Cuba, Egypt, India, Indonesia, Iran, Myanmar, Nepal, Pakistan, Philippines, Syria, and Vietnam, among others. As the Egyptian diplomatic coordinator of the group wrote in 2016, "building a Council that addresses all human rights on an equal footing, and which functions without confrontation, politicisation and double standards, should be a common interest for all." Amr Essam, "The Like Minded Group (LMG): Speaking truth to power," *Universal Rights Group*, May 10, 2016, <https://www.universal-rights.org/blog/like-minded-group-lmg-speaking-truth-power/>.

12 After serving two terms, Council members are required to take a one-year hiatus. China consistently has won a seat each time with one of the highest vote totals in the General Assembly.

13 U.N. General Assembly, Resolution 68/90, Election to fill vacancies in subsidiary organs and other elections: election of fourteen members of the Human Rights Council, A/RES/68/90 (June 6, 2013), [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/68/90](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/68/90).

14 Sarah M. Brooks, "China: Increasing Engagement with Human Rights Council Must be Matched," *International Service for Human Rights*, July 28, 2015, <https://www.ishr.ch/news/china-increasing-engagement-human-rights-council-must-be-matched-respect-civil-society-home>.

15 Ibid.

In a sign of growing confidence, China tabled its first-ever HRC resolution in June 2017, titled “The contribution of development to the enjoyment of all human rights.”<sup>16</sup> China followed this up in March 2018 with another resolution, “Promoting mutually beneficial cooperation in the field of human rights.”<sup>17</sup> Both resolutions emphasized national sovereignty, called for quiet dialogue and cooperation rather than investigations and international calls to action, and pushed the Chinese model of state-led development as the path to improving their vision of collective human rights and social stability. They also represent an important changing of tides toward a Council where China is both an active participant and a key influencer of other countries’ votes, at a time when its chief protagonist, the United States, has absented itself from the field. These resolutions will be discussed in greater depth later in this paper.

Beyond the Human Rights Council, China has been partnering with Russia on a number of efforts to re-allocate both funding and attention away from human rights issues. The two countries succeeded recently in blocking the high commissioner for human rights from speaking to the U.N. Security Council about severe human rights abuses in Syria.<sup>18</sup> The U.S.-backed speech was expected to be approved until Côte d’Ivoire thwarted the Western bloc at the last minute following a “strenuous diplomatic pressure campaign by China.”<sup>19</sup> At the U.N.’s powerful Fifth Committee—the administrative body responsible for U.N. budgeting—China and Russia have led efforts to cut funding for key peacekeeping and human rights posts and missions, including 170 peace-related jobs.<sup>20</sup> Although the number of peacekeeping posts remained the same, a June 2018 decision cut the overall U.N. peacekeeping budget by hundreds of millions of dollars.<sup>21</sup> China’s other efforts are not always successful, as seen by the recent failed attempt to have the U.N. Committee on NGOs withdraw the consultative status of the Society for Threatened Peoples (STP), an NGO that supports and advocates on behalf of the Uighur minority resident mainly in western China. China also had conspired to block Dolkun Isa, a human rights activist in the group, from attending the U.N. Permanent Forum on Indigenous Issues.<sup>22</sup> The U.S. and German permanent missions to the U.N., however, intervened to ensure Isa could attend the final sessions and rejected China’s claims that STP should be stripped of its consultative status.<sup>23</sup>

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16 U.N. General Assembly, Resolution 35/L.33, The contribution of development to the enjoyment of all human rights, A/HRC/35/L.33/Rev. 1 (June 20, 2017), <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G17/170/16/PDF/G1717016.pdf?OpenElement>.

17 U.N. General Assembly, Resolution 37/L.36, Promoting mutually beneficial cooperation in the field of human rights, A/HRC/37/L.36 (March 19, 2018), <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G18/066/67/PDF/G1806667.pdf?OpenElement>.

18 Colum Lynch, “At the UN, China and Russia score win in war on human rights,” *Foreign Policy*, March 26, 2018, <https://foreignpolicy.com/2018/03/26/at-the-u-n-china-and-russia-score-win-in-war-on-human-rights/>.

19 Colum Lynch, “At the UN, China and Russia score win.”

20 Colum Lynch, “At the UN, China and Russia score win”; Colum Lynch, “Russia and China See in Trump Era a Chance to Roll Back Human Rights Promotion at U.N.,” *Foreign Policy*, June 26, 2018, <https://foreignpolicy.com/2018/06/26/russia-and-china-see-in-trump-era-a-chance-to-roll-back-human-rights-promotion-at-u-n/>.

21 Susan Manuel, “UN Budget Committee O.K.’s Major Reform of the UN, as Peacekeeping Is Squeezed,” *Pass Blue*, July 1, 2018, <http://www.passblue.com/2018/07/01/un-budget-committee-o-k-s-major-reform-of-the-un-as-peacekeeping-is-squeezed/>.

22 Andrea Warden, “China Fails in its Gambit to Use the UN NGO Committee to Silence the Society for Threatened People and Uyghur Activist Dolkun Isa,” *China Change*, July 10, 2018, <https://chinachange.org/2018/07/10/china-fails-in-its-gambit-to-use-the-un-ngo-committee-to-silence-the-society-for-threatened-peoples-and-uyghur-activist-dolkun-isa/>.

23 Ibid.

## CHINA'S STRATEGIC APPROACH

China's increased action on the Council appears to be part of a larger international strategy, intensified since the 19th National Congress of the Chinese Communist Party held in October 2017 and Xi Jinping's consolidation of power, to 1) block criticism of its domestic human rights violations, and 2) promote key Chinese interpretations of principles of sovereignty and human rights internationally.

### 1. Block criticism

According to Human Rights Watch, China's domestic human rights situation is the worst since Tiananmen Square in 1989.<sup>24</sup> Respect for Chinese citizens' rights has declined in parallel with President Xi Jinping's reign in office. Freedom of expression remains a major issue—the regime is jailing creators of private internet networks to evade censors, banning intellectuals and activists from criticizing the Communist Party, and routinely shutting down social media accounts.<sup>25</sup> The country only recognizes five religions, and imposes strict regulations on those who attempt to engage in religious activities outside of officially sanctioned places of worship or who practice other faiths; it also continues to repress the Dalai Lama and his followers in Tibet. In April 2017, China implemented rules that prohibited “‘abnormal’ beards, the wearing of veils in public places, and the refusal to watch state television,” all traditional practices of the Uighur Muslims in Xinjiang.<sup>26</sup> The U.N. Committee on the Elimination of Racial Discrimination recently cited credible information that China has turned the autonomous region holding roughly 5.5 million Uighurs into a “massive internment camp that is shrouded in secrecy, a sort of ‘no rights zone,’” although Chinese officials fervently deny these reports.<sup>27</sup> Discrimination against disabled individuals and those identifying as LGBTQ continues.<sup>28</sup> Other countries such as Germany and Ireland have expressed concern over China's use of the death penalty to execute an estimated 1,000-2,000 people per year, far more than any other country in the world.<sup>29</sup>

China has become increasingly harsh in cracking down on any scrutiny of its human rights record, particularly with regards to human rights defenders. Since 2015, China has enforced laws that restrict their travel, surveil and detain them, threaten their family members, torturing and imprisoning them in unhealthy conditions. Such imprisonment has resulted in the deaths of activists such as Cao Shunli in 2014 and Nobel Peace Prize laureate Liu Xiaobo in 2017 after both were detained and denied necessary medical care.<sup>30</sup>

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24 “The Costs of International Advocacy: China's Interference in United Nations Human Rights Mechanisms,” (New York: Human Rights Watch, 2017), 15, [https://www.hrw.org/sites/default/files/report\\_pdf/chinaun0917\\_web.pdf](https://www.hrw.org/sites/default/files/report_pdf/chinaun0917_web.pdf).

25 “China: Events of 2017,” *Human Rights Watch*, 2017, <https://www.hrw.org/world-report/2018/country-chapters/china-and-tibet>.

26 “China sets rules on beards, veils to combat extremism in Xinjiang,” *Reuters*, March 30, 2018, <https://www.reuters.com/article/china-xinjiang-int/china-sets-rules-on-beards-veils-to-combat-extremism-in-xinjiang-idUSKBN1710DD>.

27 Stephanie Nebehay, “U.N. says it has credible reports that China holds million Uighurs in secret camps,” *Reuters*, August 10, 2018, <https://www.reuters.com/article/us-china-rights-un/u-n-says-it-has-credible-reports-that-china-holds-million-ughurs-in-secret-camps-idUSKBN1KV1SU>.

28 “China: Events of 2017,” *Human Rights Watch*.

29 Chris Buckley, “China's Death Penalty Is Still Veiled in Secrecy, Amnesty Says,” *The New York Times*, April 10, 2017, <https://www.nytimes.com/2017/04/10/world/asia/china-execution-amnesty-international.html>.

30 Cao Shunli was a Chinese lawyer and human rights defender who was detained after publically petitioning for a national human rights review in China. She was suffering from a number of diseases, including tuberculosis, but Chinese officials refused to provide her with the necessary medical care in detention. She died in custody in March

China's crackdown on human rights, and particularly defenders of human rights, extends beyond its borders. Reports of attempts by Chinese state agents to forcibly compel the return of Chinese citizens abroad who Beijing accuses of having violated PRC laws have emanated from Hong Kong, Thailand, Australia, and the United States. On U.N. premises, members of the Chinese permanent mission, state media, and government-sponsored "NGOs" have intimidated, photographed, and even attempted to ban investigative reporters and critical NGOs.<sup>31</sup> This behavior is not limited to Chinese human rights defenders, as several European and U.S. individuals and NGOs reported this harassment. A U.S.-based human rights defender described these aggressions as "worse" since 2013, suggesting a direct connection to Xi Jinping's rise to power. Through the U.N. Economic and Social Council's Committee on NGOs, China for years has blocked and deferred applications for U.N. accreditation of NGOs that are critical of human rights violations committed by states, especially in the developing world.<sup>32</sup>

As China's respect for human rights has declined, the country has become more motivated to shift scrutiny away from its actions and to decrease the U.N.'s ability to conduct oversight moving forward. Thus far Beijing is succeeding, at least as measured by U.N. statements, or lack thereof, criticizing its worsening behavior. The Communist Party's vote in March 2018 to remove presidential term limits could have the effect of giving an emboldened Xi Jinping even more leeway to decrease human rights protections and seek to glorify "Xi Jinping thought" not only in Chinese party doctrine and law, but also by introducing such language into U.N. resolutions.

## ***2. Promote Chinese interpretation of principles on sovereignty and human rights***

China's increased activity on human rights issues at the U.N. reflects a wider strategic approach, adopted since Xi Jinping's appointment in 2012, aimed at raising China's ambitions to reshape global governance to its liking. Previously, under Deng Xiaoping, the Chinese strategy was to "hide and bide" through securing its own position in global affairs and biding its time.<sup>33</sup> In 2012, a Chatham House report stated that "China's general approach within the Human Rights Council has been a near-perfect execution of Deng Xiaoping's famous maxim: 'calmly observe, secure your position, deal with things calmly, hide brightness and cherish obscurity, protect our advantages, never seek leadership, and attain some achievements.'"<sup>34</sup>

This general approach began to change in 2013 when Xi Jinping introduced the "One Belt, One Road" initiative, which seeks to create a new economic corridor reminiscent of the Silk Road, as a means to strengthen PRC influence from Asia to Europe. As of February 2018, Xi had pledged to spend \$300 billion by 2030 to carry out this ambitious plan.<sup>35</sup> The investment, which could end up costing over a trillion dollars, has

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2014. See "The Costs of International Advocacy," 15, and "China: Events of 2017," *Human Rights Watch*.

31 "The Costs of International Advocacy," 18.

32 Ibid., 31.

33 Christopher K. Johnson, "President Xi Jinping's: 'Belt and Road' Initiative," (Washington, DC: Center for Strategic and International Security, 2016), 5, [https://csis-prod.s3.amazonaws.com/s3fs-public/publication/160328\\_Johnson\\_PresidentXiJinping\\_Web.pdf](https://csis-prod.s3.amazonaws.com/s3fs-public/publication/160328_Johnson_PresidentXiJinping_Web.pdf).

34 Sonya Sceats and Shaun Breslin, "China and the International Human Rights System," (London: Chatham House, October 2012), 41, [https://www.chathamhouse.org/sites/default/files/public/Research/International%20Law/r1012\\_sceatsbreslin.pdf](https://www.chathamhouse.org/sites/default/files/public/Research/International%20Law/r1012_sceatsbreslin.pdf).

35 Peter Harrell, Elizabeth Rosenberg, and Edoardo Saravalle, "China's Use of Coercive Economic Measures,"



been described as “Beijing’s commitment to using loans, infrastructure projects, and other economic measures as foreign policy tools.”<sup>36</sup> It represents, in the view of some observers, an attempt to reorder international relations in Beijing’s favor, packaged as a “win-win” investment in “humanity’s shared destiny,” and China’s gift to the world.<sup>37</sup> The Belt and Road Initiative (BRI) is only one indicator of China’s growing international presence across such domains as trade, international politics and diplomacy, and even climate change. Until recently, it has been largely unimpeded in this increased activism.

At the 19th Chinese Communist Party Congress in October 2017, Xi Jinping outlined China’s grand strategy until 2050. His speech discussed eliminating poverty, turning China into a fully developed nation by 2049, increasing technology, and fighting corruption. Xi said that the greatest challenge facing China in this new era was “unbalanced and inadequate development and the people’s ever-growing needs for a better life.” He proclaimed that China is “taking a driving seat” on international issues including trade and climate change, intended in part to distinguish itself from the Trump administration’s decision to withdraw from the Paris climate agreement and the Trans-Pacific Partnership trade agreement. Xi suggested that China’s emphasis on national development and economic and social rights—“socialism with Chinese characteristics”—was a model for other developing nations. He said that China will be “moving closer to center stage and making greater contributions to mankind,” which is reflected in China’s increased efforts to promote its model at the U.N.

More recently, at China’s Central Conference on Foreign Affairs held in June 2018, Xi Jinping emphasized the need to maintain stable international relationships, continue steady social and economic development and globalization, further territorial sovereignty, and build an international “community of shared destiny.” Key phrases used in his remarks—which are beginning to appear in resolutions that China is pushing at the Human Rights Council and the U.N. General Assembly (UNGA)—include “realizing national rejuvenation,” “building of a community with a shared future for humanity,” and “mutual respect and win-win cooperation.”<sup>38</sup> A 2012 Chatham House report found “no real evidence ... of China seeking to export its conception of human rights to other states.”<sup>39</sup> Six years later, China is successfully introducing language around shared future and mutual respect at the U.N., and it is likely that other key phrases of “socialism with Chinese characteristics” will be included going forward.<sup>40</sup> Such innocuous language hides deeper meanings in the discourse of international relations—a desire to reinforce orthodox interpretations of principles of national sovereignty and nonintervention in internal affairs, undermine the legitimacy of international mechanisms to monitor human rights, avoid “name and shame” tactics and sanctions, and weaken protections for human rights defenders and independent media.

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(Washington, DC: Center for a New American Security, 2018), 2, [https://s3.amazonaws.com/files.cnas.org/documents/China\\_Use\\_FINAL-1.pdf?mtime=20180604161240](https://s3.amazonaws.com/files.cnas.org/documents/China_Use_FINAL-1.pdf?mtime=20180604161240).

36 “China to invest \$300b by 2030 as part of one belt, one road project,” *Gulf News*, February 28, 2018, <https://gulfnews.com/business/sectors/investment/china-to-invest-300b-by-2030-as-part-of-one-belt-one-road-project-1.2180823>.

37 Nadege Rolland, “Examining China’s “Community of Common Destiny,” *Power 3.0*, January 23, 2018, <https://www.power3point0.org/2018/01/23/examining-chinas-community-of-destiny/>.

38 “Xi urges breaking new ground in major country diplomacy with Chinese characteristics,” *Xinhua*, June 24, 2018, [http://www.xinhuanet.com/english/2018-06/24/c\\_137276269.htm](http://www.xinhuanet.com/english/2018-06/24/c_137276269.htm).

39 Sonya Sceats and Shaun Breslin, “China and the International Human Rights System.”

40 “Xi urges breaking new ground in major country diplomacy with Chinese characteristics,” *Xinhua*, [http://www.xinhuanet.com/english/2018-06/24/c\\_137276269.htm](http://www.xinhuanet.com/english/2018-06/24/c_137276269.htm).



These efforts are problematic enough on their own. But coming from the world's most populous country and second-largest economy, with growing leverage over other states, they represent a potential pivot away from 70 years of international efforts to institutionalize human rights as the third pillar of the U.N. system. Chinese investment began to grow during the 2008 financial crisis, and has continued to multiply over the last several years. China invests strategically, particularly with regard to foreign policy considerations.<sup>41</sup> Given this more ambitious grand strategy, which involves promoting the Chinese model across the world, it is likely that China will use its growing economic influence and soft power not only to block criticism of its own and others' human rights situations, but to spread its desired messages of noninterference and state-led development, with dire consequences for the international human rights order.

## ANALYSIS OF KEY HUMAN RIGHTS COUNCIL VOTES

Recent votes on seven specific proposals presented by China at the Human Rights Council from 2016-18 illustrate these two Chinese goals and their differing outcomes. In two cases, China for the first time led sponsorship of a resolution, rather than work from behind with its allies in the Like-Minded Group. Both resolutions presented Chinese-specific terminology on development and human rights wrapped in otherwise innocuous language that won endorsement by a majority of Council members. In the other five votes, China was an active co-sponsor of amendments designed to weaken international norms to protect civil society or enhance the principle of noninterference in sovereign affairs—all five attempts failed in recorded votes. In all seven examples, chronologically presented below, a pattern emerges illustrating China's stepped-up activism on its fundamental goals to shield itself and others from criticism and undermine the ability of the international human rights system to monitor and investigate violations.

### **1) Delegitimizing human rights defenders: Amendment, March 22, 2016<sup>42</sup>**

This amendment presented by China, which failed by a vote of 15-21-10,<sup>43</sup> sought to replace the internationally accepted language of “human rights defenders” with “individuals, groups and organs of society engaged in promotion and protection of human rights.” It also alters other phrases—such as changing “important activities” of such human rights defenders to “lawful activities” and demoting language about their “legitimate” role to “important”—that would legitimize the power of the state to circumscribe the lawfulness of civil society's work on human rights. Through this amendment and several others pushed by the Like-Minded Group, China seeks to unravel international consensus for protecting the critical role that human rights defenders play. Their efforts aim to override adoption of multiple UNGA resolutions, nearly all by consensus, recognizing “human rights defenders” as a group that deserves equal protection of the law, and creating a special independent monitor for human rights defenders in 2000.<sup>44</sup>

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41 Axel Dreher et al., “Apples and Dragon Fruits: The Determinants of Aid and Other Forms of State Financing from China to Africa,” *International Studies Quarterly* 62, no. 1 (March 2018): 182-194.

42 U.N. General Assembly, Amendment 31/L.47 (March 22, 2016), <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G16/058/81/PDF/G1605881.pdf?OpenElement>.

43 Votes are listed as Yes-Abstain-No.

44 See, e.g., “Mandate of the Special Rapporteur on the situation of human rights defenders,” Office of the High Commissioner for Human Rights, <https://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Mandate.aspx>.

The amendment, a skirmish in a larger battle to weaken protections for human rights activists, was supported by countries typically hostile to the freedom of civil society to monitor and condemn human rights abuses. This group includes not only Cuba, Saudi Arabia, and Russia, but also middle power democracies like India, Indonesia, and Nigeria. Abstentions, including by states that often side with China, were key to preventing its adoption. China, however, appears determined to undermine international consensus on this point. For example, it recently disassociated itself from language in a consensus UNGA resolution on human rights defenders because it referred to their work as “legitimate.”<sup>45</sup>

**COUNTRY VOTES ON HRC/31/L.47 (15-10-21)**

Bangladesh	Indonesia	United Arab Emirates	Ethiopia	Togo	France	Morocco	Slovenia
Bolivia	Kyrgyzstan	Venezuela	Kenya	Albania	Georgia	Netherlands	Switzerland
Burundi	Nigeria	Vietnam	Maldives	Belgium	Germany	Panama*	FYR/Macedonia
China	Qatar	Algeria	Namibia	Botswana	Ghana	Paraguay+	United Kingdom
Cuba	Russia	Congo	Philippines	Côte d'Ivoire	Latvia	Portugal	
India	Saudi Arabia	El Salvador+	South Africa	Ecuador	Mexico	South Korea	

**KEY**

	Denotes a country that voted yes on amendment/resolution.
	Denotes a country that abstained.
	Denotes a country that voted no.
+	Denotes a country that recognized Taiwan at time of vote.
*	Denotes a country that switched recognition from Taiwan to China in the last three years (El Salvador switched on August 21, 2018, after these votes were cast).

**2) Promoting development over human rights: China-sponsored resolution, June 20, 2017<sup>46</sup>**

China’s first solo-sponsored resolution at the HRC, on “the contribution of development to the enjoyment of human rights,” underscores state-to-state cooperation in the context of sustainable and inclusive development. It suggests development as an essential step toward human rights, and calls for states to actively support partnerships for “win-win outcomes and common development.” It also calls for a study by the Council’s advisory body on how development contributes to human rights, but neglects to consider ways in which development can infringe upon human rights.

At first glance, this resolution looks relatively harmless. It reaffirms that “all human rights are universal, indivisible, interdependent, and interrelated,” language China and other developing countries demanded in the pivotal 1993 Vienna Declaration on Human Rights as a way to assert the importance of economic and social rights. Upon further examination, however, the resolution suggests that respect for human rights depends on “people-centered development,” as opposed to being inherent to human dignity regardless of a country’s level

45 “UNGA 72: Third Committee adopts resolution on human rights defenders by consensus,” International Service for Human Rights, November 21, 2017, <http://www.ishr.ch/news/unga-72-third-committee-adopts-resolution-human-rights-defenders-consensus>.

46 U.N. Human Rights Council, Resolution HRC/35/L.33/Rev.1, The contribution of development to the enjoyment of all human rights, A/HRC/35/L.33/Rev.1 (June 20, 2017), [http://ap.ohchr.org/documents/E/HRC/d\\_res\\_dec/A\\_HRC\\_35\\_L.33Rev.docx](http://ap.ohchr.org/documents/E/HRC/d_res_dec/A_HRC_35_L.33Rev.docx).

of development. The resolution also seeks to insert “Xi Jinping thought” into U.N. language by recognizing “a community of shared future for human beings” and welcoming “win-win outcomes,” two phrases that were also in Xi’s Central Work Conference speech.

China’s resolution passed comfortably by a margin of 30-3-13, with vocal opposition by the United States and several European countries. States usually strong on human rights such as Panama, Georgia, and South Korea abstained, while Mongolia—which typically supports human rights resolutions at the U.N. but had faced Chinese wrath for inviting the Dalai Lama in November 2016—voted yes.

**COUNTRY VOTES ON HRC/35/L.33 (30-3-13)**

Bangladesh	Congo	Ethiopia	Kyrgyzstan	Saudi Arabia	Georgia	Germany	Slovenia
Bolivia	Côte d’Ivoire	Ghana	Mongolia	South Africa	Panama*	Hungary	Switzerland
Botswana	Cuba	India	Nigeria	Togo	South Korea	Japan	United Kingdom
Brazil	Ecuador	Indonesia	Philippines	Tunisia	Albania	Latvia	United States
Burundi	Egypt	Iraq	Qatar	United Arab Emirates	Belgium	Netherlands	
China	El Salvador+	Kenya	Rwanda	Venezuela	Croatia	Portugal	

**3) Weakening state obligations to cooperate with UNHRC mechanisms: Amendment, September 26, 2017<sup>47</sup>**

This amendment, which China co-sponsored with Russia, Venezuela, and India, attempted to weaken pressure on all states to cooperate with U.N. human rights mechanisms. The language in the original resolution affirms that states that fail to “prevent, investigate and ensure accountability for acts of intimidation or reprisal” against anyone cooperating with U.N. procedures are implicitly less qualified for election to the HRC. This amendment sought to remove such language in order both to undermine the importance of cooperation with Council mechanisms as a criterion for election to the body, and to advance China’s goal to avoid scrutiny of its own record of reprisals against human rights defenders, as described earlier in the paper.

The voting pattern reflects fairly typical behavior, with a mix of European countries and other democracies opposing it, and “swing states” split between supporting and abstaining. It narrowly failed, suggesting that China and its allies could easily win next time, depending on who sits on the Council.

**COUNTRY VOTES ON HRC/36/L.51 (19-7-21)**

Bangladesh	Egypt	Kyrgyzstan	Venezuela	Rwanda	Georgia	Mongolia	Slovenia
Bolivia	Ethiopia	Philippines	Congo	Togo	Germany	Netherlands	Switzerland
Botswana	India	Qatar	Côte d’Ivoire	Albania	Ghana	Panama*	Tunisia
Burundi	Indonesia	Saudi Arabia	Ecuador	Belgium	Hungary	Paraguay+	United Kingdom
China	Iraq	South Africa	El Salvador+	Brazil	Japan	Portugal	United States
Cuba	Kenya	United Arab Emirates	Nigeria	Croatia	Latvia	South Korea	

47 U.N. General Assembly, Amendment 36/L.51 (September 26, 2017).

#### 4) “Promoting Mutually Beneficial Cooperation in the Field of Human Rights”: China-sponsored resolution, March 15, 2018<sup>48</sup>

China’s second independent HRC resolution, “Promoting Mutually Beneficial Cooperation in the Field of Human Rights,” reflects China’s insistence that “mutually beneficial cooperation,” constructive dialogue, technical assistance, and capacity-building should be the primary tools for promoting human rights at the U.N. In other words, traditional and often controversial resolutions that “name and shame” specific countries for their egregious human rights abuses should be discarded in favor of softer mechanisms like the Universal Periodic Review, a state-led peer review process that some critics claim is too easily manipulated by rights-offending states. The resolution also revalidates Xi Jinping’s mantra to build “a community of shared future for human beings.” It is a clear example of China’s desire to avoid international scrutiny or condemnation, instead promoting cooperation, always with the permission of the relevant state, as the more effective way of addressing human rights violations.<sup>49</sup>

After significant edits designed to water down China’s original text, the resolution easily passed, but the high number of abstentions is interesting, especially when compared to China’s previous resolution. The United States was the only state that actively opposed this initiative, while the EU bloc—along with South Korea, Japan, Peru, and Rwanda—chose to abstain, despite the obvious attempt to weaken country-specific scrutiny.

#### COUNTRY VOTES ON HRC/37/L.36 (28-17-1)

Angola	Cuba	Kenya	Pakistan	South Africa	Belgium	Peru	Switzerland
Brazil	Dem. Republic of Congo	Kyrgyzstan	Panama*	Togo	Croatia	South Korea	Ukraine
Burundi	Ecuador	Mexico	Philippines	United Arab Emirates	Georgia	Rwanda	United Kingdom
Chile	Egypt	Mongolia	Qatar	Venezuela	Germany	Slovakia	United States
China	Ethiopia	Nepal	Saudi Arabia	Afghanistan	Hungary	Slovenia	
Côte d’Ivoire	Iraq	Nigeria	Senegal	Australia	Japan	Spain	

#### 5) *Overseeing civil society: Amendment, June 2018*<sup>50</sup>

China proposed an amendment to a resolution on civil society asserting that nongovernmental organizations should solicit, receive, and utilize resources “in a legal and transparent manner.” This reflects China’s desire for international approval of its increasingly suffocating oversight of its civil society. Since domestic and international NGOs often draw critical attention to Chinese human rights violations, China wants to limit the power and freedom that civil society organizations have, including to receive financial and other support from external sources. Only the Like-Minded Group voted

48 U.N. Human Rights Council, Resolution HRC/37/L.36, Promoting mutually beneficial cooperation in the field of human rights, HRC/37/L.36 (March 19, 2018), <http://undocs.org/A/HRC/37/L.36>.

49 For a powerful defense of the “name and shame” condemnatory approach to human rights, particularly for situations in which states refuse to acknowledge violations or cooperate with efforts to address them, see Zeid Ra’ad Al Hussein, “Opening Statement to the 29th Session of the Human Rights Council by the High Commissioner for Human Rights,” (speech, Geneva, June 15, 2015), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16074&LangID=E>.

50 U.N. General Assembly, Amendment 31/L.47 (March 22, 2016), <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G16/058/81/PDF/G1605881.pdf?OpenElement>.



in favor, a clear demonstration of their hostility to criticism from the NGO sector. Some countries that often vote with China, such as the Philippines and the Democratic Republic of the Congo, chose to abstain on this issue, a reflection of the enduring importance of international assistance to the NGO sector in developing countries.

**COUNTRY VOTES ON HRC/38/L.37 (14-10-22)**

Burundi	Kenya	United Arab Emirates	Mongolia	Afghanistan	Georgia	Peru	Switzerland
China	Kyrgyzstan	Venezuela	Nepal	Australia	Germany	South Korea	Tunisia
Cuba	Nigeria	Angola	Philippines	Belgium	Hungary	Rwanda	Ukraine
Egypt	Pakistan	Brazil	Senegal	Chile	Japan	Slovakia	United Kingdom
Ethiopia	Qatar	Côte d'Ivoire	South Africa	Croatia	Mexico	Slovenia	
Iraq	Saudi Arabia	Dem. Republic of Congo	Togo	Ecuador	Panama*	Spain	

**6) Emphasizing territorial sovereignty: Amendment, June 2018<sup>51</sup>**

Through this amendment, China unsuccessfully attempted to add a new paragraph to the same resolution on civil society to emphasize the need for nongovernmental organizations to “respect the sovereignty and territorial integrity of States.” This relates to a key Chinese issue, the desire for an uncontested and unified China, and its repression of any groups, like the Uighur minority living primarily in Xinjiang Autonomous Region, or Buddhists in Tibet and throughout Tibetan inhabited areas of China, who seek greater autonomy from Beijing. Just as China has slowed down the U.N. registration process of NGOs that do not assert allegiance to Beijing’s “one China” principle, it now seeks to promote this language within U.N. resolutions as a way to justify its campaign against an independent Taiwan and other movements for greater autonomy. The vote breakdown was as expected—the Like-Minded Group voting yes, the Western bloc voting no, and the remaining states (mostly African) choosing to abstain.

**COUNTRY VOTES ON HRC/38/L.38 (15-10-21)**

Burundi	Kenya	Saudi Arabia	Ecuador	Togo	Croatia	Panama*	Switzerland
China	Kyrgyzstan	United Arab Emirates	Mongolia	Afghanistan	Georgia	Peru	Tunisia
Cuba	Nigeria	Venezuela	Nepal	Australia	Germany	South Korea	Ukraine
Egypt	Pakistan	Angola	Rwanda	Belgium	Hungary	Slovakia	United Kingdom
Ethiopia	Philippines	Côte d'Ivoire	Senegal	Brazil	Japan	Slovenia	
Iraq	Qatar	Dem. Republic of Congo	South Africa	Chile	Mexico	Spain	

51 U.N. General Assembly, Amendment 38/L.48.

### 7) *Decreasing state cooperation with civil society: Amendment, June 2018*<sup>52</sup>

This failed amendment to a resolution on creating a safe environment for civil society demonstrates that China has major objections to the recommendations by the high commissioner for human rights on practical ways states can strengthen engagement with civil society. The report from the high commissioner identified five requirements for optimizing civil society's voice and participation in public affairs: "a robust legal framework compliant with international standards that safeguards public freedoms and effective access to justice; a political environment conducive to civil society work; access to information; avenues for participation by civil society in decision-making processes and long-term support and resources for civil society."<sup>53</sup> China's interest in removing reference to these recommendations emphasizes its desire to undermine civil society and decrease its power.

Of all seven votes analyzed here, this Chinese amendment received the least support. In addition to the countries that usually oppose such amendments, Afghanistan, Ecuador, Rwanda, Togo, and Tunisia also opposed removing this language from the resolution.

#### COUNTRY VOTES ON HRC/38/L.39 (12-10-24)

Burundi	Pakistan	Angola	Nepal	Belgium	Germany	South Korea	Togo
China	Philippines	Côte d'Ivoire	Nigeria	Brazil	Hungary	Rwanda	Tunisia
Cuba	Qatar	Dem. Republic of Congo	Senegal	Chile	Japan	Slovakia	Ukraine
Egypt	Saudi Arabia	Iraq	South Africa	Croatia	Mexico	Slovenia	United Kingdom
Ethiopia	United Arab Emirates	Kenya	Afghanistan	Ecuador	Panama*	Spain	
Kyrgyzstan	Venezuela	Mongolia	Australia	Georgia	Peru	Switzerland	

#### COUNTRY REACTIONS TO CHINA'S GROWING ACTIVISM

Although the votes are mixed regarding Chinese influence, ample anecdotal evidence suggests China is beginning to exercise some leverage among its growing list of economic and trade partners in an attempt to shape the international human rights system in its favor. China frequently provides not only financial incentives but also disincentives, particularly for countries wishing to host the Dalai Lama, the spiritual leader of Tibet who seeks greater autonomy for the autonomous region's roughly 3 million Tibetans. This strategy was evident in March 2016, when the Dalai Lama was scheduled to speak on a human rights panel with other Nobel laureates at the 31st session of the Human Rights Council. According to a recent Human Rights Watch report, China made "a series of threats regarding financial contributions [to the U.N.] and other calamities," resulting in the organizers moving the event elsewhere.<sup>54</sup> Chinese lobbying goes beyond the well-known case of the Dalai Lama. It is building a strong coalition within the U.N., mainly of developing countries more vulnerable to Beijing's

52 U.N. General Assembly, Amendment 38/L.39.

53 U.N. General Assembly, Resolution 32/20, Practical recommendations for the creation and maintenance of a safe and enabling environment for civil society, based on good practices and lessons learned, A/HRC/32/20 (April 11, 2016), 1, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/073/52/PDF/G1607352.pdf?OpenElement>.

54 "The Costs of International Advocacy," 28.

economic and political pressure and which share its wish to prioritize development over human rights.<sup>55</sup>

This economic influence seems to focus primarily on limiting criticism of China by other countries. A European diplomat told Human Rights Watch that “there are African countries who are heavily dependent on Chinese assistance, and who would not dare to say one word of criticism against China.” The report also found that several countries refused to sign a U.S.-led joint statement in March 2016 critical of human rights problems in China,<sup>56</sup> anonymously citing concerns about avoiding retribution from China.<sup>57</sup>

China’s last Universal Periodic Review took place in 2013, before it had stepped up efforts to exert greater influence on the Council. In these reviews, commenced in 2008 as a way to permit public scrutiny of every U.N. member state’s human rights record, governments accept both praise and criticism from fellow governments, along with recommendations for improving their human rights practices. In both the 2008 and 2013 reviews of China, several countries in the Like-Minded Group unsurprisingly presented statements praising China’s acceptance of certain recommendations, taking time away from other delegations that wished to raise concerns about China’s record. China recently underwent its third Universal Periodic Review, which will result in a report to be released in March 2019. Similar behavior is expected from China’s allies; it is likely that additional African and Latin American countries will refrain from excessive criticism in that session. This will be an opportune moment to consider Chinese attempts at influence, particularly if countries that spoke out against China in 2013 choose not to criticize China this time.

### ***Like-Minded Group supports China***

China’s increasing boldness on the Council reflects in part the consistent support it receives from other countries in the Like-Minded Group, especially Bangladesh, Bolivia, Burundi, Cuba, Egypt, India, Indonesia, Kyrgyzstan, Pakistan, Qatar, Saudi Arabia, United Arab Emirates, Venezuela, and Vietnam. Other states, such as Ethiopia, El Salvador, Iraq, Nigeria, and the Philippines typically vote with China with an occasional abstention. These states appear to align with China mainly because they share its political ideologies and commitment to state-led development, an issue China has championed as a prerequisite to fulfillment of civil and political rights.

According to Human Rights Watch, countries in the Like-Minded Group support each other’s anti-human rights actions on the Council and praise each other for protecting sovereignty.<sup>58</sup> Russia, Egypt, Cuba, and Pakistan in particular have joined China in becoming more involved in the Council’s business in recent years.<sup>59</sup> Russia, for example, has underscored demands to respect state sovereignty and nonintervention in internal affairs. Foreign Minister Sergey Lavrov, among others, repeatedly has expressed concern about Western control over the human rights agenda and argued that the Council neglects economic and cultural rights, themes echoed regularly by the Chinese delegation.<sup>60</sup>

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55 Ibid., 78.

56 Keith Harper, “Joint Statement – Human Rights Situation in China,” (speech, Geneva, March 10, 2016), <https://geneva.usmission.gov/2016/03/10/item-2-joint-statement-human-rights-situation-in-china/>.

57 “The Costs of International Advocacy,” 79.

58 Ibid., 87.

59 Colum Lynch, “At the UN, China and Russia score win.”

60 Nick Cumming-Bruce, “China Brings Warm Words to U.N., and Rights Activists Feel a Chill,” *The New York Times*, March 23, 2018, <https://www.nytimes.com/2018/03/23/world/asia/china-human-rights-united-nations.html>.

### ***Europe opposes China, for now***

European governments—including those not in the EU, such as Switzerland—have consistently opposed Chinese-sponsored resolutions and amendments at the Council. The only recent exception is the March 2018 resolution on “mutually beneficial cooperation,” in which 13 countries, mostly European, abstained. Had these countries chosen to vote “no,” the resolution would still have passed, suggesting that they chose to avoid aggravating the Chinese in this particular case.

European states, however, are not doing as much as they could to stand up against China on human rights. Explanations include protection of their growing economic and commercial interests with the Asian giant as well as geostrategic and political goals in managing China’s rise. More speculatively, European politicians from pro-nationalist parties on the right and left, who voice the general critique that the European Union and the United Nations interfere too much in their internal affairs, may sympathize with the Chinese assertion of national sovereignty. In many cases, these parties have not been successful in winning top offices, but they are still gaining greater political traction than at any point in the last 30 years.<sup>61</sup> Their positions include anti-immigration policies, such as restrictive legislation on asylum-seekers in France and statements that Islam is not compatible with democracy in Germany.<sup>62</sup> Real and perceived threats from terrorism and migration are driving opposition to human rights protections for those seen as less deserving of the full range of rights afforded the average European citizen. This may have the effect of dampening mainstream parties’ support for strengthening the current international human rights regime, leaving China and its friends more room to shift the paradigm in their favor.

### ***The United States opposes China, but has left the Council***

During its recently truncated stay on the Council, Washington consistently opposed all Chinese resolutions and amendments. The United States was the only country to vote “no” on the March 2018 Chinese resolution on “mutually beneficial cooperation,” arguing that such “feel good” language “is intended to benefit autocratic states at the expense of individuals whose human rights and fundamental freedoms we should all respect.”<sup>63</sup> Rather than dig in its heels and push back against a more activist China, however, the Trump administration announced in June 2018 its decision to abandon the Council altogether.<sup>64</sup> Secretary of State Mike Pompeo and U.S. Representative to the U.N. Nikki Haley at the time declared the Council’s “shameless hypocrisy” makes it “a protector of human rights abusers and a cesspool of political bias.” The administration objected in particular to the election of members with poor human rights records who then seek to block criticism of their behavior, and the Council’s long-standing exceptional handling of Israel’s treatment of Palestinians.

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61 Andre Tartar, “How the Populist Right is Redrawing the Map of Europe,” *Bloomberg*, December 11, 2017, <https://www.bloomberg.com/graphics/2017-europe-populist-right/>.

62 Melissa Eddy, “Alternatives for Germany: Who Are They, and What Do They Want?” *The New York Times*, September 25, 2017, <https://www.nytimes.com/2017/09/25/world/europe/germany-election-afd.html>; Slawomir Sierakowski, “In Europe, the Only Choice Is Right or Far Right,” *Foreign Policy*, May 21, 2018, <https://foreignpolicy.com/2018/05/21/in-europe-the-only-choice-is-right-or-far-right/>.

63 “Key Outcomes of U.S. Priorities at the UN Human Rights Council’s 37th Session,” U.S. Department of State, March 23, 2018, <https://www.state.gov/r/pa/prs/ps/2018/03/279545.htm>.

64 Mike Pompeo, “Remarks on the UN Human Rights Council,” (speech, Washington, DC, June 19, 2018), <https://www.state.gov/secretary/remarks/2018/06/283341.htm>.



Another rationale for leaving the Council was articulated by Trump's national security advisor, John Bolton, who remarked that getting off the Council was "an assertion of American determination ... not to recognize a higher power to judge our performance." The U.S. record on human rights has long come under criticism at the U.N., but the volume has turned up as the Trump administration carries out controversial policies on restricting migration and lowering protections for women's rights. In June, the U.N. high commissioner for human rights criticized Washington for separating immigrant families at the border, referencing the policy as "unconscionable" and "child abuse."<sup>65</sup> According to a recent report of the U.N.'s special rapporteur on poverty and human rights, "Los Angeles failed to meet even the minimum standards the United Nations High Commissioner for Refugees sets for refugee camps in the Syrian Arab Republic and other emergency situations."<sup>66</sup> Police and criminal justice reform, healthcare policy, voter disenfranchisement, gun violence, the opioid crisis, the continued use of Guantanamo Bay to detain captives from counter-terrorism operations, and labor rights also remain major human rights issues in the United States.<sup>67</sup> These problems are not unique to this administration, but the lack of forward progress—and the steps backward in many cases—demonstrate that the United States is not currently in a strong position to serve as an effective leader on human rights internationally. Its declining image in public surveys and harsh rhetoric against the Council may have made it harder for other would-be allies to work closely with U.S. diplomats in Geneva.

Opposition to international criticism of U.S. actions on human rights is one part of a broader effort by the Trump administration to weaken U.S. leadership in other parts of the U.N. system. In December 2017, Washington decreased its contributions to the U.N. by \$285 million, and announced in May 2018 that it would cut its funding to U.N. peacekeeping.<sup>68</sup> This comes just as China becomes the third-largest contributor to the U.N. regular budget and second-largest specifically to U.N. peacekeeping missions. With its growing influence over the U.N. budget, China is starting to steer allocation of the U.N. budget away from human rights, as seen in recent efforts to cut funding for key human rights positions, as well as the Human Rights Up Front initiative.<sup>69</sup> In sum, as the Trump administration turns away from multilateral institutions and diplomacy, China is poised to fill the void.

In addition to the United States and Europe, Afghanistan, Australia, Japan, Mexico, Morocco, Peru, and Paraguay have voted consistently against Chinese resolutions and amendments. Georgia and South Korea also typically vote with the Western bloc, with the exception of a couple abstentions. A major question going forward is whether this loose coalition is willing and able to toe the line against Beijing's tactics, especially without Washington's leadership.

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65 Zeid Ra'ad Al Hussein, "Opening statement and global update of human rights concerns at 38th session of the Human Rights Council," (speech, Geneva, June 18, 2018), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23206&LangID=E>.

66 U.N. General Assembly, Statement on Visit to the USA, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights, (September 15, 2017), 15, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22533>.

67 U.N. General Assembly, Statement of Visit to the USA, 4.

68 Colum Lynch, "Russia and China See a Chance to Roll Back Human Rights Promotion."

69 Colum Lynch, "At the UN, China and Russia score win."

### ***Swing states up for grabs***

For many states, voting patterns on human rights resolutions at the U.N. typically fluctuate depending on the specific issue in play and on the inevitable vote-trading and arm-twisting that take place behind closed doors. Some states routinely sit as members of the Council while a large number have never joined the body. A number of smaller states either do not run for a seat due to the demands of its work, rely on friendly delegations and external experts for advice on how to vote, or succumb to pressure from more powerful states like the PRC, Russia, and the United States.

The Africa bloc is usually unified on most resolutions (often against country-specific resolutions), but a growing number of African states are willing to break away from regional consensus and huddle in the abstention column. On the seven votes analyzed here, Kenya, Senegal, and South Africa were among those who fluctuated between abstaining or leaning toward China's position. On the other hand, states like Angola, Côte d'Ivoire, Ghana, Rwanda, Togo, and Tunisia leaned toward the Western group when they did not abstain. Among other regional groups, Mongolia and Nepal mostly abstained but sided often with China, while Brazil, Ecuador, and Panama lean toward the Western group.<sup>70</sup> This large number of swing states often tip the balance between resolutions that undermine or strengthen international human rights norms and mechanisms. They are a stark reminder of the importance of active and engaged diplomacy in Geneva, New York, and in capitals.

One additional factor in evaluating how some smaller states position themselves vis-à-vis Beijing is recognition of Taiwan as a sovereign state. This issue goes to the heart of China's longstanding diplomatic efforts to promote its vision of "one China," in which Taiwan is absorbed into China's national sovereign territory. Beijing has recently scored important gains in winning over El Salvador, the Dominican Republic, Panama, and Burkina Faso to its side.<sup>71</sup> Voting patterns on the seven votes analyzed here are inconclusive in part because only Panama was present for most of them, but it is worth monitoring future trends as China continues its campaign to isolate Taipei.

## **CHINA'S ACTIVISM BEYOND THE HUMAN RIGHTS COUNCIL**

### ***Gaining ground in Europe***

Chinese influence on the European Union is coming into focus, as evidenced by the group's inability to form consensus on criticisms of China's human rights record in recent years. According to Bloomberg, "China has bought or invested in [European] assets amounting to at least \$318 billion over the past 10 years. The continent saw roughly 45 percent more China-related activity than the U.S. during this period, in dollar terms."<sup>72</sup>

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70 For a discussion of the impact of China's growing economic relationship with Latin America on the region's foreign policy behavior, including attitudes towards international human rights, see Ted Piccone, "The geopolitics of China's rise in Latin America," (Washington, DC: Brookings Institution, November 2016), [https://www.brookings.edu/wp-content/uploads/2016/11/the-geopolitics-of-chinas-rise-in-latin-america\\_ted-piccone.pdf](https://www.brookings.edu/wp-content/uploads/2016/11/the-geopolitics-of-chinas-rise-in-latin-america_ted-piccone.pdf).

71 "Taiwan's Diplomatic Isolation Deepens as El Salvador Defects to Beijing," *Associated Press*, August 20, 2018, <https://finance.yahoo.com/news/taiwan-apos-diplomatic-isolation-deepens-034747030.html>.

72 Andre Tartar, Mira Rojanasakul, and Jeremy Scott Diamond, "How China Is Buying Its Way Into Europe," *Bloomberg*, April 23, 2018, <https://www.bloomberg.com/graphics/2018-china-business-in-europe/>.

Hungary's behavior suggests that Chinese investments are beginning to influence their China-related positions at the EU, despite remaining steadfast on HRC votes. Hungary, where China has pledged to invest at least \$2 billion on a railway system and which already imports upwards of \$4 billion in goods per year, has a cross-party agreement on the importance of relations with China<sup>73</sup> and proclaimed itself as the “gateway to China.”<sup>74</sup> In July 2016, Hungary, joined by Greece, lobbied for the EU to avoid calling China out in their statement about China's legal claims to the South China Sea.<sup>75</sup> In an October 2016 speech, Prime Minister Viktor Orbán stated that Hungary remained “committed to cooperation with China” and that countries must respect each other's political systems, announcing that “no one has the right to interfere with [the Chinese political system] by adopting the role of kind of a self-appointed judge.”<sup>76</sup> Half a year later, in March 2017, Hungary stopped the EU from signing a joint letter that raised concern about allegations of lawyers being tortured in China.<sup>77</sup> In April 2018, the Hungarian ambassador was the only EU delegate who did not sign a report criticizing China's Belt and Road Initiative.<sup>78</sup>

It is worth noting that, irrespective of Chinese investment, Hungary's current administration is antagonistic to the international human rights agenda, so changes in its diplomacy cannot be solely attributed to Chinese influence. However, Orbán's alignment of foreign policy views with China makes Hungary a more desirable target to the Chinese, which results in greater investment and ultimately more cooperation on stiff-arming external criticism. While Hungary has not yet broken the EU consensus position on China's human rights record at the U.N., it is likely to slide in that direction.

A similar story is unfolding with Greece, which has prevented the EU from publicly criticizing China in the last two years. China has been investing more in Greece since its economic crisis in 2010; in 2016, a Chinese shipping company invested over 280 million euros in Greece's largest port. China's Fosun International Holdings has pledged billions of euros and millions of tourists through its Hellenikon playground project.<sup>79</sup> In addition to joining Hungary in raising concerns about the EU criticizing China in July 2016, Greece also prevented the EU from releasing a statement criticizing China's human rights situation a year later.<sup>80</sup> This was the first time that the EU failed to make this annual statement. Greece claimed Beijing had not directly asked Athens to oppose the vote and instead cited concerns about whether this was the most productive way

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73 Tamas Matura, “Chinese Investment in Hungary: Few Results But Great Expectations,” *Chinfluence*, February 14, 2018, <http://www.chinfluence.eu/chinese-investment-hungary-results-great-expectations/>.

74 “Hungary May Be the Gateway for Chinese Investments Into the European Union,” *Hungarian Investment and Promotion Agency*, October 21, 2016, <https://hipa.hu/hungary-may-be-the-gateway-for-chinese-investments-into-the-european-union>; “PRC Investment in Europe Raises Concerns,” *China Digital Times*, April 24, 2018, <https://chinadigitaltimes.net/2018/04/concern-mounts-over-deepening-chinese-investment-in-europe/>.

75 Thorsten Benner et al., “Authoritarian Advance: Responding to China's Growing Political Influence in Europe,” (Berlin: Global Public Policy Institute, February 2018), 16, [https://www.merics.org/sites/default/files/2018-02/GPPI\\_MERICS\\_Authoritarian\\_Advance\\_2018\\_1.pdf](https://www.merics.org/sites/default/files/2018-02/GPPI_MERICS_Authoritarian_Advance_2018_1.pdf).

76 Viktor Orbán, “China-CEE Political Parties Dialogue Speech,” (speech, Budapest, October 6, 2016), <http://www.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/viktor-orban-s-speech-at-the-conference-china-cee-political-parties-dialogue>.

77 Thorsten Benner et al., “Authoritarian Advance,” 16.

78 “PRC Investment in Europe Raises Concerns,” *China Digital Times*.

79 Jason Horowitz and Liz Alderman, “Chastised by E.U., a Resentful Greece Embraces China's Cash and Interests,” *The New York Times*, August 26, 2017, <https://www.nytimes.com/2017/08/26/world/europe/greece-china-piraeus-alexis-tsipras.html>.

80 Ibid.

to address concerns about China.<sup>81</sup> Greece is eager to continue receiving Chinese aid, and worked with the Czech Republic in 2017 to decrease restrictions on an EU foreign investment screening mechanism that will be implemented in the upcoming months. The Greek president and prime minister also praised the Belt and Road Initiative at the BRI Forum in May 2017. In return, a Chinese investment group promised the equivalent of \$3 billion in green energy projects to a Greek infrastructure group.<sup>82</sup>

In addition to not delivering its usual statement condemning China in June 2017, the EU did not call for the release of political prisoners, mark the Tiananmen Square anniversary, or otherwise condemn China's crackdown on its domestic critics. While individual European countries and the EU as a whole continue to criticize China in other circumstances, it is clear that Chinese influence to soften EU criticism of its human rights record is beginning to take hold.

### **Norway**

Norway, which is not a member of the EU but works closely with the bloc, has firsthand experience with economic retribution for opposing China on human rights. In 2010, Norway awarded the Nobel Peace Prize to Liu Xiaobo, a Chinese human rights defender who had been jailed in China. In response, China froze all economic and political contact with Norway. Unable to export salmon to mainland China, Norwegian exports fell from a market share of 92 percent to 29 percent from 2010 to 2013.<sup>83</sup> As Norway was still able to export salmon to China through third party countries and found other external buyers, the move was a largely symbolic—but effective—example of Chinese willingness to exact retribution.<sup>84</sup> During the Dalai Lama's 2014 visit to Oslo, Norwegian officials declined the opportunity to meet.<sup>85</sup>

After much effort to normalize relations, a Norwegian delegation met with Chinese officials in December 2016 to restore ties between the two countries. As part of the negotiations, Norway promised it would not “support actions that undermine [China's core interests], and will do its best to avoid any future damage to bilateral relations.”<sup>86</sup> In July 2017, Norwegian Prime Minister Erna Solberg followed through on this promise by not participating in international requests to release Liu Xiaobo.<sup>87</sup> Norwegian politicians are also censoring themselves and being more cautious in future interactions with China.<sup>88</sup> Norway's experience shows that concerns about economic retribution from China are legitimate even for wealthier countries.

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81 Helena Smith, “Greece blocks EU's criticism at UN of China's human rights record,” *The Guardian*, June 18, 2017, <https://www.theguardian.com/world/2017/jun/18/greece-eu-criticism-un-china-human-rights-record>.

82 Thorsten Benner et al., “Authoritarian Advance,” 16.

83 Tone Sutterud and Elisabeth Ulven, “Norway criticised over snub to Dalai Lama during Nobel committee visit,” *The Guardian*, May 6, 2014, <https://www.theguardian.com/world/2014/may/06/norway-snob-dalai-lama-nobel-visit>.

84 Peter Harrell, Elizabeth Rosenberg, and Edoardo Saravalle, “China's Use of Coercive Economic Measures,” 9.

85 Ibid.

86 Sewell Chan, “Norway and China Restore Ties, 6 Years After Nobel Prize Dispute,” *The New York Times*, December 19, 2016, <https://www.nytimes.com/2016/12/19/world/europe/china-norway-nobel-liu-xiaobo.html>.

87 Thorsten Benner et al., “Authoritarian Advance,” 21.

88 Ibid.



## Mongolia

China has a long track record of threatening and punishing countries for hosting the Dalai Lama, and Mongolia is one of the most recent examples. Immediately following his visit in November 2016, China imposed additional charges for commodity imports from Mongolia and ended talks about a potential major loan to Mongolia, even though his visit did not include meetings with officials.<sup>89</sup> Mongolia subsequently promised it would not invite the religious leader in the future, and the Chinese Foreign Minister Wang Yi stated that “we hope that Mongolia has taken this lesson to heart.”<sup>90</sup> Mongolia typically votes with the Western bloc, but supported both of China’s resolutions at the HRC, suggesting a reluctance to upset the Chinese again. China’s overt punishment of Mongolia over Tibet may be a warning sign to others that Beijing expects other close economic partners to fall into line with its priorities.

## CONCLUSIONS AND RECOMMENDATIONS

After crouching in a defensive posture for many decades, emerging only when their most vital interests were at stake, China’s leaders have become increasingly confident in asserting a Chinese model of “socialism with Chinese characteristics” across a range of international issues. This is increasingly evident in the field of international human rights, which upholds principles and norms that run directly contrary to China’s authoritarian system of one-party control. As it amasses greater economic leverage around the world, Beijing is in a stronger position not only to defend its particular governance model, but to promote values that challenge and undermine the international human rights system’s long-standing practices of country-specific scrutiny, civil society participation, and independent monitoring mechanisms. It now seeks to go further by introducing concepts like “win-win cooperation,” and a “community of common destiny” that at heart are designed to weaken tactics like naming and shaming human rights abusers in favor of state-led “mutually beneficial” dialogue and technical assistance.

In response, a number of states, including in Europe, are muting criticism of China’s human rights record, either because they share Beijing’s antipathy toward international scrutiny of their domestic behavior, or because they feel indebted to China’s rising economic power, or a combination of the two. In some cases, like Hungary, states are splitting the difference by aligning with a pro-human rights agenda in some cases, while abstaining in others, or joining China’s soft campaign for development as a prerequisite to human rights. China’s more blunt attempts to check the influence of civil society, particularly human rights defenders, have failed to date but it may just be a matter of time before the needle turns in its favor. As nationalist forces gain ground around the world, China is ready and willing to exploit the growing frustration with international rules that are seen as undermining national sovereignty. The U.S. withdrawal from the Human Rights Council, and more broadly from other multilateral arrangements, is an ideal opportunity for China to fill the vacuum it leaves behind. In short, current trends point to a much tougher environment for defending and strengthening the international human rights system.

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89 “China says hopes Mongolia learned lesson after Dalai Lama visit,” *Reuters*, January 24, 2017, <https://www.reuters.com/article/us-china-mongolia-dalailama-idUSKBN158197>; Peter Harrell, Elizabeth Rosenberg, and Edoardo Saravalle, “China’s Use of Coercive Economic Measures,” 9; “Dalai Lama’s Visit to Mongolia Could Fray Its Ties to China,” *Associated Press*, November 19, 2016, <https://www.nytimes.com/2016/11/20/world/asia/mongolia-dalailama-china.html>.

90 “China says hopes Mongolia learned lesson after Dalai Lama visit,” *Reuters*, January 24, 2017, <https://www.reuters.com/article/us-china-mongolia-dalailama-idUSKBN158197>.

To counter these threats, the following steps should be taken:

- A core group of established democracies, led by such reliable actors as the United Kingdom, France, Sweden, the Netherlands, Canada, Australia, Japan, and Germany, should continue to build cross-regional coalitions with other like-minded states such as South Korea, Brazil, Mexico, Chile, Argentina, Peru, Ghana, Botswana, Tunisia, Georgia, Afghanistan, and Ukraine, to hold the line on core precepts of the international human rights system. These include independent monitoring of human rights situations on the ground; country-specific scrutiny and, as merited, condemnation, of egregious human rights abuses; and protection of human rights defenders and their rights to participate in the system.
- Swing state democracies like India, Indonesia, South Africa, Nigeria, Kenya, and Senegal deserve special attention and encouragement to vote on the basis of their own commitments to human rights rather than ideological or transactional grounds.
- A renewed effort to recruit new members to the Council who will defend the strengths of the system, rather than seek to undermine it, is more important than ever. Eritrea and Bahrain, which fall into the latter category, should be defeated in their attempts to win seats on the Council in November 2018.
- While the Trump administration appears set on yielding leadership of the U.N. human rights field to others, the U.S. Congress should step up its engagement by continuing to fund the Office of the High Commissioner for Human Rights and other international human rights mechanisms, and pressuring the State Department and other governments to counter China's attempts to weaken the system.
- The new high commissioner for human rights, Michele Bachelet, inherits from her predecessor, Ra'ad Zeid al Hussein, a powerful platform for voicing independent and critical views of moral conscience. She should make clear from the start her intention to defend the system against attempts by China and others to erode its core principles and mechanisms.
- All relevant stakeholders, including public and private donors, should redouble their efforts to protect and defend civil society and independent media from attempts by China and others to stifle and repress their important human rights monitoring work. Without their activism and contributions, the international human rights system would wither on the vine.

In sum, China is playing the long game when it comes to human rights—gradually but assuredly stepping up its efforts at the UNHRC, the U.N. as a whole, and even outside the U.N. to shape the system to its advantage. Chinese officials have already had some success in blocking criticism of the country's domestic human rights record, and in building consensus for its state-led model of development and “win-win cooperation” as key elements of the international human rights regime. These advances are likely to increase as China exerts more pressure on vulnerable countries and exploits the vacuum of leadership posed by an increasingly wobbly West. Without a well thought-out and long-term counter-balancing strategy, China's growing economic leverage will probably allow it to achieve its objectives. The result would be a weaker international human rights system in which independent voices are muffled and public criticism of egregious abuses muted behind the banner of national sovereignty.

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