

Does the UN Human Rights Council Help or Hurt Religious Repression?

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In 2011, former United Nations (UN) Secretary General Kofi Annan discussed the creation of the UN Human Rights Council (HRC) as “a historic move that [he] hoped would mark a new era for the UN’s work in safeguarding the rights of millions of people around the world.”¹ Despite his optimism, many saw the HRC as a flawed international body that did little to advance human rights. For example, the Council on Foreign Relations noted the HRC is “earning a failing grade from a broad range of groups.”² Moreover, Annan himself, as part of his defense of it, even noted that “the Council has not always lived up to its potential.”³ The UN HRC was intended to promote the protection of human rights in a manner superior to its predecessor, the Human Rights Commission. Nevertheless, many were concerned the HRC was a means for repressive states to limit human rights without facing international scrutiny.

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1. Kofi Annan, “Despite Flaws, UN Human Rights Council Can Bring Progress,” *Christian Science Monitor*, December 8, 2011.
 2. Lauren Vriens, “Troubles Plague UN Human Rights Council,” *Backgrounder* (Washington, DC: Council on Foreign Relations, 2009).
 3. Annan, “Despite Flaws, UN Human Rights Council Can Bring Progress.”

Journal of Church and State vol. 60 no. 4, pages 705–724; doi:10.1093/jcs/csy005
Advance Access Publication March 9, 2018

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These debates raise particular questions for those interested in religious repression: What effect, if any, does UN HRC activity have on a state's level of religious repression? The HRC's mission is to advance human rights around the world, but does it accomplish this, or does it allow states to repress their citizens? Specifically, when a state is active in the HRC, does this improve the country's human rights through the transparency involved and exposure to human rights debates? Alternately, does it allow human rights to deteriorate by giving repressive regimes cover to undermine domestic rights?

This article answers these questions through a quantitative analysis of UN HRC activity. Using data on states' votes in the HRC and domestic religious repression, I find that greater activity on the HRC corresponds to an increase in a state's repression of religious groups. The analysis highlights how sponsorship of resolutions in the HRC affects states' domestic levels of religious repression.

The article expands our understanding of the source of religious repression and the impact of the HRC on human rights. As I will discuss, I expand on studies of religious repression that have noted the potential importance of international issues. I highlight how states can use international organizations to gain cover for repressive activities. The article also contributes to the debate over the HRC, emphasizing its negative impact on human rights. While most expect repressive states to use the HRC to deflect criticism of their records, it is significant that this deflection seems to work.

This article defines HRC activity as the various efforts states undertake to advance their agendas in this international forum and block the agendas with which they disagree. The specific focus is sponsoring resolutions meant to advance states' views in the HRC in this analysis; the research design discussion contains further information. Sarkissian defines religious restriction as "laws and rules that govern religious affairs in a state"; these include "control over religious institutions, restriction of religious practice, and discrimination against religious groups."⁴ I focus specifically on these aspects, discussing them as religious repression. As I use the Pew Research Center's Government Restrictions Index, I also include violent repression of religious groups in this definition.⁵

4. Ani Sarkissian, *The Varieties of Religious Repression: Why Governments Restrict Religion* (New York: Oxford University Press, 2015), 27, 86-87.

5. Pew Research Center, "Global Restrictions on Religion" (Washington, DC: Pew Research Center, 2009).

This article proceeds in five parts. The first discusses the debate over the HRC. The second discusses existing research on religious repression before presenting my argument on how HRC activity may affect states' human rights situations. The third section discusses the research design. The remaining sections discuss the findings from the study before presenting broader conclusions.

The Debate over the Human Rights Council

The current HRC was formed in 2006 after the long-standing UN Human Rights Commission was disbanded.⁶ The Human Rights Commission came under strong criticism over its inclusion of countries with poor human rights records and alleged lack of dedication to resolving human rights issues. Reformers hoped the HRC would improve on the commission in a few ways. Unlike in the commission, regional groups advance lists of candidates and the entire UNGA elects HRC members from these lists. The HRC also requires members to provide pledges on human rights and to open themselves up to human rights reviews and the potential of removal from the commission for violations. Its supporters hoped this would improve transparency and the dedication of the Council to acting on human rights abuses.

There are reasons to think the HRC could have major impacts on worldwide human rights, for good or ill. Studies have shown that states' votes in international forums can reflect their preferences and broad disagreements on international issues.⁷ Some have found that international organizations' activities can improve processes like democratization.⁸ Others found that international organizations can allow states to deflect human rights criticism.⁹

6. Paul Gordon Lauren, "To Preserve and Build on Its Achievements and to Redress Its Shortcomings: The Journey from the Commission on Human Rights to the Human Rights Council," *Human Rights Quarterly* 29 (2007): 307-45.

7. Erik Gartzke, "Preferences and the Democratic Peace," *International Studies Quarterly* 44, no. 2 (2000):191-210; Erik Voeten, "Clashes in the Assembly," *International Organization* 54, no. 2 (2000):185-215, and his "Resisting the Lonely Superpower: Responses of States in the United Nations to U.S. Dominance," *The Journal of Politics* 66, no. 3 (2004): 729-54; James H. Lebovic and Erik Voeten, "The Politics of Shame: The Condemnation of Country Human Rights Practices in the UNCHR," *International Studies Quarterly* 50, no. 4 (2006): 861-88.

8. Emilie M. Hafner-Burton, Edward D. Mansfield, and Jon C. W. Pevehouse, "Human Rights Institutions, Sovereignty Costs and Democratization," *British Journal of Political Science* 45, no. 1 (2015): 407-25.

9. Daniel W. Hill, "Estimating the Effects of Human Rights Treaties on State Behavior," *Journal of Politics* 72, no. 4 (2010):1161-74.

Many observers have defended the HRC's record. Some observers were optimistic about the changes introduced to the UN's human rights bodies with the creation of the new council.¹⁰ Moreover, some saw the bigger threat to international human rights coming from US counterterrorism actions than the HRC itself.¹¹

Many others have been critical of the HRC, however. Even those who were tentatively hopeful about the new body were upset over its approach to certain issues, like human rights in Lebanon.¹² Moreover, some expressed concern that these issues with the HRC would make it harder to act on human rights problems in countries, such as when the HRC did not take action on human rights in Sri Lanka during that country's civil war.¹³ Such criticisms would lead one to believe that HRC activity could actually degrade a state's human rights. Additionally, many have attacked the HRC over its criticism of Israel, which critics view as disproportionate and at the expense of advocacy over other states' human rights concerns.¹⁴ In addition, indeed, a few empirical studies of states' behavior in the HRC suggest its record on human rights is less than stellar so far.¹⁵

The causes and effects of religious repression

The question of the HRC's effects on religious repression is part of a broader research program on the nature and effects of restrictions states place on religious belief and practice. The Pew Research Center collects data—based on earlier work from Grim and Finke—on a range of government policies, ranging from interfering with worship to outright arrest and harassment of religious

10. Paul Gordon Lauren. "To Preserve and Build on its Achievements and to Redress its Shortcomings": The Journey from the Commission on Human Rights to the Human Rights Council." *Human Rights Quarterly* 29, no. 2 (2007): 307-45.

11. Philip Alston, Jason Morgan-Foster, and William Abresch, "The Competence of the UN Human Rights Council and Its Special Procedures in Relation to Armed Conflicts: Extrajudicial Executions in the 'War on Terror,'" *European Journal of International Law* 19, no. 1 (2008):183-209.

12. Yvonne Terlingen, "The Human Rights Council: A New Era in UN Human Rights Work?," (Carnegi Council for Ethics and International Affairs, 2007).

13. Human Rights Watch, "Sri Lanka: UN Rights Council Fails Victims," (Human Rights Watch, 2009).

14. Michele Kelemen, "Ambassador Nikki Haley Accuses U.N. Human Rights Council of Bashing Israel," NPR All Things Considered, June 6, 2017.

15. Simon Hug, "Dealing with Human Rights in International Organizations," *Journal of Human Rights* 15, no. 1 (2016): 21-39; Simon Hug and Richard Lukacs, "Preferences or Blocs? Voting in the United Nations Human Rights Council," *Review of International Organizations* 9, no. 1 (2014): 83-106.

communities.¹⁶ Others have similarly analyzed this issue. In his work on government religious policies, Fox identified numerous “religious restrictions,” which include restrictions on religious political activity, religious institutions, and religious practices.¹⁷ Likewise, Sarkissian discusses “religious regulation” as “all laws and rules that are enacted to govern religious affairs in a state,” including registration requirements, restricting property ownership, and religious participation in politics.¹⁸

While some religious restrictions arise in response to leaders’ sincere religious beliefs, scholars argue many are intended to address political concerns. As Sarkissian notes, religious groups are “potential sites of public and/or political activity” that “hold the power to influence citizens’ perceptions of state or government legitimacy.”¹⁹ As a result, states often attempt to minimize the threat they pose through religious regulations. Gill highlighted how regimes’ fear of survival influenced the extent to which they allow free religious expression.²⁰ Similarly, Sarkissian pointed to the interplay between religious diversity and political competition to explain repression.²¹ And Grim and Finke analyzed the relationship between religious repression and social pressure from religious groups.²² The political motivation behind religious repression can be seen from restrictions on foreign missionary groups in Belarus to China’s limits on churches’ size and prominence. And states provide preferential support to certain religious groups to ensure their support, such as Myanmar’s support for Buddhist clergy and Burundi’s crackdown on breakaway Catholic groups at the request of the established Catholic hierarchy in the country.

Other scholars have studied the origins and impact of religious repression. Shah and Farr have both argued for the importance of religious freedom in both contemporary US foreign policy and historical contexts.²³ Toft, Philpott, and Shah argued that government interference with religion can produce violent conflicts;

16. Pew Research Center, “Rising Restrictions on Religion,” (Pew Research Center’s Forum on Religion and Public Life, 2011); Brian J. Grim and Roger Finke, *The Price of Freedom Denied: Religious Persecution and Conflict in the Twenty-First Century* (New York: Cambridge University Press, 2010).

17. Jonathan Fox, *Political Secularism, Religion and the State: A Time-Series Analysis of Worldwide Data* (New York: Cambridge University Press, 2015), 5.

18. Sarkissian, *The Varieties of Religious Repression*, 27.

19. *Ibid.*, 16.

20. Anthony Gill, *The Political Origins of Religious Liberty* (New York: Cambridge University Press, 2008).

21. Sarkissian, *The Varieties of Religious Repression*, 17-22.

22. Grim and Finke, *The Price of Freedom Denied*, 2.

23. Timothy Shah, *Religious Freedom: Why Now? Defending an Embattled Human Right* (Cambridge, Mass.: The Witherspoon Institute, 2012); Thomas Farr,

similarly, a variety of quantitative studies analyzed the relationship between religious repression and unrest.²⁴ Additionally, both Kuru and Driessen examined how states can remain separate from religion without repressing religious political activity.²⁵

A few studies have hinted at the relationship between religious repression and international debates over religious issues. Sarkissian pointed out that because “many types of religious rights are protected under international law, nondemocratic leaders face potential international sanctions” for religious repression.²⁶ Sandal and Fox have analyzed how state religions’ exclusivity affects states’ international conflicts.²⁷ Haynes discussed how the United Nations became the “key battleground” over the nature and limits of religious repression, particularly in debates over religious defamation.²⁸ Additionally, Henne analyzed how states’ religious policies affected their votes on religious defamation resolutions in the United Nations.²⁹ The below discussion extends these, highlighting how international factors can intensify religious repression.

The Human Rights Council’s effects on religious repression

In this section, I discuss three aspects of my argument before presenting empirical expectations. First, how would debates in the United Nations affect domestic religious repression? Second, why would this specifically affect *religious* repression, as opposed to all

World of Faith and Freedom: Why International Religious Liberty Is Vital to American National Security (New York: Oxford University Press, 2008).

24. Yasemin Akbaba and Zeynep Taydas, “Does Religious Discrimination Promote Dissent? A Quantitative Analysis,” *Ethnopolitics* 10, no. 3-4 (2011): 271-95; Mathias Basedau et al., “Does Discrimination Breed Grievances—and Do Grievances Breed Violence? New Evidence from an Analysis of Religious Minorities in Developing Countries,” *Conflict Management and Peace Science* (2017): 1-23; David Muchlinksy, “Grievances and Opportunities: Religious Violence across Political Regimes,” *Politics and Religion* 7, no. 4 (2014): 684-705; Monica Duffy Toft, Daniel Philpott, and Timothy Samuel Shah, *God’s Century: Resurgent Religion and Global Politics* (New York: W. W. Norton and Company, 2011).

25. Michael D. Driessen, *Religion and Democratization* (New York: Oxford University Press, 2014); Ahmet T. Kuru, *Secularism and State Policies Towards Religion: The United States, France and Turkey* (New York: Cambridge University Press, 2009).

26. Sarkissian, *The Varieties of Religious Repression*, 15.

27. Nukhet Sandal and Jonathan Fox, *Religion in International Relations Theory: Interactions and Possibilities* (New York: Routledge, 2013).

28. Jeffrey Haynes, *Faith-Based Organizations at the United Nations* (New York: Palgrave MacMillan, 2014), 145.

29. Peter S. Henne, “The Domestic Politics of International Religious Defamation,” *Politics and Religion* 6, no. 3 (2013): 512-37.

forms of political repression? Finally, how would states' activity in the HRC allow them to increase domestic religious repression?

How would the United Nations affect religious repression?

Existing studies on religious repression point to a few ways that the UN Human Rights Council may affect domestic religious repression. The first is the significance of the debates occurring in the United Nations on religious issues. As Haynes notes, faith-based organizations have been increasingly active in the United Nations, as part of a broader religious resurgence in international relations. Their activity corresponded to "inappropriate treatment by governments of ethnic and/or religious communities" becoming "focal points of international concern."³⁰ Similarly, Sandal and Fox discussed the emergence of states' religious policies and human rights concern as a transnational religious issue.³¹ Additionally, Banchoff pointed to the important role of UN debates on reproductive health in global norms on this issue.³² Thus, debates in the United Nations over religious issues—including religious repression—can have big impacts on opinions about these issues and, in turn, states' policies.

The second is the role political competition plays in states' abilities to repress religious groups. Scholars like Gill have argued that religious repression relates to the extent to which states are threatened by political opposition.³³ Sarkissian extended this, finding that the religious diversity of a state and the extent of political competition affected the variety and extent of religious repression.³⁴ International attention can affect the latter factor. International exposure of a state's religious repression can give domestic groups' greater resources to compete with the state.³⁵ This, in turn, makes it harder for states to repress religious groups. Thus, increased attention to religious repression in the United Nations can intensify political competition within states and lead to less repression. Indeed, Sarkissian notes this in her study of domestic repression.³⁶

Existing work on international organizations and human rights can clarify how exactly the United Nations can affect domestic

30. Jeffrey Haynes, *Faith-Based Organizations at the United Nations* (New York: Palgrave MacMillan, 2014), 144.

31. Sandal and Fox, *Religion in International Relations Theory*.

32. Thomas Banchoff, *Embryo Politics: Ethics and Policy in Atlantic Democracies* (Ithaca, NY: Cornell University Press, 2011).

33. Gill, *The Political Origins of Religious Liberty*.

34. Sarkissian, *The Varieties of Religious Repression*.

35. For an example of this outside of religious repression, see Beth A. Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (New York: Cambridge University Press, 2009).

36. Sarkissian, *The Varieties of Religious Repression*, 15.

religious repression. Studies have found that states can use their membership in international organizations to gain resources to implement desired domestic policies. Allee and Huth discussed the dynamic of *political cover*; they found that when regimes expect to face domestic backlash over concessions as part of international negotiations, they are more likely to work through an international legal body in order to deflect domestic regime critics.³⁷ Others found similar impacts of international organizations on human rights. Studies by Hafner-Burton and Tsutsui, and Hill suggest that repressive states may join international institutions as “subterfuge to hide worsening practices.”³⁸ Likewise, Vreeland found that certain repressive states often signed the Convention Against Torture in response to domestic pressure, but this enabled them to continue repressing opposition.³⁹

Why would religious repression be particularly affected?

I synthesize work on the nature of religious repression with studies on international organizations and human rights to explain how HRC activity can increase religious repression. Before I do this, however, I should discuss why these dynamics would affect religious repression specifically. First, many religious practices can be quietly restricted by governments. As Sarkissian noted, much religious repression does not receive extensive attention as it involves minimal violence against individuals.⁴⁰ The most dramatic limitations on religion involve banning entire groups of people from worshipping or killing members of a faith of which the government does not approve. But there are less visible ways to restrict religion. States can easily ban proselytizing or forbid missionaries from entering a country. Additionally, states have put in place noise restrictions that effectively limit the ability of certain religious groups to hold outdoor religious ceremonies. Similarly, some states use registration requirements to prevent religious groups with fewer than a set number of participants from gaining official recognition, which can seriously affect new religious groups or offshoots of established groups.

37. Todd L. Allee and Paul K. Huth, “Legitimizing Dispute Settlement: International Legal Rulings as Domestic Political Cover,” *American Political Science Review* 100, no. 2 (2006): 219-34.

38. Hill, “Estimating the Effects of Human Rights Treaties on State Behavior”; Emilie M. Hafner-Burton and Kiyoteru Tsutsui, “Justice Lost! The Failure of International Human Rights Law to Matter Where Needed Most,” *Journal of Peace Research* 44, no. 4 (2007): 407-25.

39. James Raymond Vreeland, “Political Institutions and Human Rights: Why Dictatorships Enter into the United Nations Convention against Torture,” *International Organization* 62, no. 1 (2008): 65-101.

40. Sarkissian, *The Varieties of Religious Repression*, 15.

These policies would draw complaints internationally, but states may be able to draw on their HRC activity to deflect these protests.

Second, religious repression is more contested than other aspects of human rights. Most people support democracy even as there is widespread disagreement over the proper procedures to ensure it. Likewise, few would see mass arrests or violence against citizens as acceptable from a human rights perspective. But, as Sandal and Fox note, there is significant debate over whether “each tradition has its own definition of individual rights and responsibilities” or if “states have a responsibility” to uphold universal human rights like religious freedom.⁴¹

Some of this concerns the definition and desirability of religious freedom. Some see religious freedom as requiring a strict separation between religion and state, with religion being kept out of the public sphere. As a result, government policies like limiting religious groups’ involvement in politics would support religious freedom. Others, however, argue that religious freedom requires religious groups to be active in society and even be able to influence government decisions.⁴² Beyond this, some see religious freedom itself as a problematic concept, as it represents a Western or American view of culture.⁴³

This debate is strongest over religious defamation. Through a series of resolutions in the HRC and the General Assembly, the Organization for Islamic Cooperation and non-Muslim states attempted to gain international consensus that insults to religions are illegitimate. They argued this was necessary to defend faiths and prevent religious turmoil. Critics of the measure, however, according to Haynes, argued these resolutions were an attempt to “deny freedom of expression, and . . . provide further justification to denigrate religious minorities.”⁴⁴ This led to a broader debate over the “issue of human rights *versus* those of religions not to be insulted or defamed.”⁴⁵

How can states use HRC activity to increase domestic religious repression?

As I noted, I explain how the HRC affects religious repression by synthesizing studies on international organizations and human

41. Sandal and Fox, *Religion in International Relations Theory*, 136.

42. Farr, *World of Faith and Freedom*.

43. Elizabeth Shakman Hurd, *Beyond Religious Freedom: The New Global Politics of Religion* (Princeton, NJ: Princeton University Press, 2015).

44. Jeffrey Haynes, *Faith-Based Organizations at the United Nations* (New York: Palgrave MacMillan, 2014), 5-6.

45. *Ibid.*, 151.

rights with work on religious repression. Some states desire to repress religious groups in order to undermine political opposition. Yet, these states face two sets of obstacles. The first is domestic opposition to the repression by religious communities and their allies. The second is international criticism of repressive moves by other states and human rights activists. When repressive states gain seats on the HRC, they can deal with the second obstacle to repression. States can use their seats on the HRC to distract and deflect international criticism of their religious repression, allowing them to implement further repressive policies.

I argue this occurs through the HRC granting *international cover*, which is a combination of Sarkissian's theory on religious repression and general studies on human rights. As Sarkissian argues, the extent of political competition affects states' ability to repress religious groups.⁴⁶ International attention to a state's policies increases domestic groups' ability to compete with the state, as it gives opposition resources to contest state actions.⁴⁷ But just as states can point to commitments to international organizations to justify human rights records, so, too, can states point to their activity on the Human Rights Council to counter international criticism of repressive policies.⁴⁸ States that are active on the HRC, advancing resolutions and engaging in debates, can argue they are advancing human rights via this work, defusing criticism. These active states on the HRC can also use the forum to redirect criticism, claiming their critics are the true human rights abusers. States can then take advantage of the cover they gain to implement repressive policies. In this way, greater activity on the HRC can lead to greater religious repression.

States on the HRC could gain this *international cover* through their activity in three ways. First, states can use their activity in the HRC to dominate headlines or as a counterpoint to attacks on its human rights record. A seat on the HRC gives states a powerful platform to broadcast their views on human rights and current events; statements made during debates on resolutions or sponsorship of resolutions can generate significant publicity for a state. States can use this publicity to defend themselves against attacks on their human rights record. This can defuse criticism,

46. Sarkissian also discusses the role of religious diversity, which I test in a robustness check. See Sarkissian, *The Varieties of Religious Repression*.

47. See Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics*.

48. Hafner-Burton and Tsutsui, "Justice Lost! The Failure of International Human Rights Law to Matter Where Needed Most"; Hill, "Estimating the Effects of Human Rights Treaties on State Behavior"; Allee and Huth, "Legitimizing Dispute Settlement: International Legal Rulings as Domestic Political Cover."

making it easier for states to implement repressive activities, and may even undermine the ability of other states to launch further attacks.

This can be seen in a few examples. China has sponsored several resolutions that would provide it some international political cover to repress religious groups, including the 2009 resolution “Promoting human rights and fundamental freedom through a better understanding of traditional values of humankind.”⁴⁹ While the language is innocuous, such discussion of “traditional values” in the context of human rights can be used to counter criticism of restrictions on rights, and, indeed, the resolution gained the support of many non-democratic states and was opposed by democratic ones. In that same year, China mobilized other states to block a Christian charity organization that had been critical of China’s human rights situation from gaining observer status in the HRC.⁵⁰ In this way, it used its HRC activity to block monitoring of its limits on religious belief and practice.

Second, some states explicitly used their seats on the HRC to counter charges of religious repression in their territory, which lined up with the resolutions they were sponsoring. Egypt has used its seat on the HRC to push back on international criticism. For example, after Canada criticized Egypt in the HRC for not issuing identity cards to certain religious groups—a form of discrimination that can greatly disadvantage religious minorities—Egypt used the forum to claim no issues had arisen in the country.⁵¹

In addition to this, states may use their seat on the HRC to deflect criticism of their religious repression by focusing on their accusers’ human rights situations. Cuba has used its HRC seat effectively to deflect criticism, countering the United States’ long-running critiques of its human rights by using its HRC seat to call on the United Nations to analyze US activities, including what it claims are “recruiting mercenaries to carry out their missions of death against the Cuban people.”⁵² Likewise, after several countries criticized Iran in the HRC for its treatment of Bahais, Iran

49. Information can be found at http://ap.ohchr.org/documents/sdpage_e.aspx?b=10&se=100&t=11. Last accessed September 13, 2016.

50. UN Watch, “U.N. Denies Status to Christian Charity after China Objects,” July 27, 2009. Available at <http://www.unwatch.org/un-denies-status-to-christian-charity-after-china-objects/>. Last accessed January 19, 2018.

51. UN Watch, “Countries Debate Human Rights Violations around the World,” March 17, 2009. Available at <http://www.unwatch.org/countries-debate-human-rights-violations-around-the-world/>. Last accessed January 19, 2018.

52. UN Watch, “Cuba Calls for UN Examination of American ‘Missions of Death against the Cuban People,’” March 10, 2008. Available at <http://www.unwatch.org/cuba-calls-for-un-examination-of-american-missions-of-death-against-the-cuban-people/>. Last accessed January 19, 2018.

responded by pointing to alleged human rights abuses by its accusers, such as Canada's treatment of indigenous groups.⁵³ That same year, Iran sponsored a resolution on "Human rights and international solidarity" that emphasized the right to development.⁵⁴ Similarly, in 2009 Iran pointed to an HRC report on Israel's human rights records to accuse Western Europe and the United States of "double standards" for its criticism of Iran.⁵⁵ This language can be used to counter criticism of human rights abuses, as states can point to Western European and North American states' lack of support for international development to redirect criticism.

Third, states can draw on the contested nature of religious freedom to point to alternate conceptions of human rights as justifications for religious restrictions in the HRC. Some states justify religious freedom restrictions as protecting their culture or heritage, while debates about the proper way to accommodate religious beliefs occur worldwide.⁵⁶ Accordingly, states can use their seat on the HRC to present resolutions or arguments along those lines, legitimizing some religious freedom limits. This is most obvious in debates over religious defamation and blasphemy.⁵⁷ As Haynes argued, the defamation resolutions, "while masquerading as a human rights measure," were actually attempts to "strengthen domestic anti-blasphemy and religious defamation laws that would primarily benefit authoritarian governments"⁵⁸

Summary of argument and theoretical expectations

I therefore argue that *greater activity* by states on the HRC can lead to *greater domestic religious repression*. States that desire to repress religious groups in order to counter political threats face domestic challenges, but also international criticism. When these states are on the HRC, they can use this forum to deflect criticism, undermining its impact on domestic political competition. As a

53. UN Watch, "Countries Debate Human Rights Violations around the World."

54. Information can be found at http://ap.ohchr.org/documents/sdpage_e.aspx?b=10&se=100&t=11. Last accessed September 13, 2016.

55. Sandal and Fox, *Religion in International Relations Theory*, 83.

56. Santiago Cañamares Arribas, "Churches, Religious Autonomy, and Employment Law in Spain, the European Court of Human Rights, and the United States," *Journal of Church and State* 57, no. 4 (2015): 656-83.

57. See Turan Kayaoglu, "Giving an Inch Only to Lose a Mile: Muslim States, Liberalism, and Human Rights in the United Nations," *Human Rights Quarterly* 36, no. 1 (2014): 61-89; Deepali Ann Fernandes, "Protection of Religious Communities by Blasphemy and Religious Hatred Laws: A Comparison of English and Indian Laws," *Journal of Church and State* 45, no. 4 (2003): 669-97.

58. Jeffrey Haynes, *Faith-Based Organizations at the United Nations* (New York: Palgrave MacMillan, 2014), 155.

result of this cover, states can implement greater repressive policies.

There are potential alternative explanations. The HRC could have little impact on religious repression. Alternately, the HRC may affect general political repression, but have little influence over specifically religious policies. Similarly, the HRC's effects could be confined to majority-Muslim states, which tend to experience more religious repression. Finally, activity on the HRC may actually help mobilize opposition to religious repression and lead to lessened domestic repression.

Research Design

I test this argument through a quantitative study using data on HRC resolution sponsorship and states' religious repression.

Data

The data cover 2007 through 2014, as these are the years for which the dependent variable, the Government Restrictions Index (*GRI*), is available. The Pew Research Center produces this index, which currently covers the years 2007 through 2014; it measures the extent to which governments restrict religious belief and practice.⁵⁹ The index is composed of twenty variables, ranging from restrictions on practices, like conversion, to discriminatory registration requirements and abuse against religious groups. Its scale reliability coefficient has been above 0.7 for all years of the data, indicating it is a reliable measure. The index runs from 0 to 10, with higher values indicating greater restrictions. Several studies have used the index to measure the nature and effects of religious repression.⁶⁰

My explanatory variable is the number of HRC resolutions a country introduces or sponsors. It would be difficult to quantify other elements of HRC activity—like debates—but there is systematically collected data on HRC resolutions. I use the number of resolutions a state sponsors in a year as an indicator of its overall level of activity on the HRC. This is not perfect, as some states may sponsor numerous resolutions as a perfunctory activity or

59. Grim and Finke, *The Price of Freedom Denied*; Pew Research Center, "Global Restrictions on Religion."

60. Grim and Finke, *The Price of Freedom Denied*; Henne, "The Domestic Politics of International Religious Defamation"; Muchlinks, "Grievances and Opportunities"; Michael D. Driessen, "Religion, State, and Democracy: Analyzing Two Dimensions of Church-State Arrangements," *Politics and Religion* 3, no. 1 (2010): 55-80.

others may raise issues in debates without actively pushing their agenda through resolutions. But many of the states that use HRC debates to push their perspective on human rights also advance numerous resolutions. Additionally, a focus on resolutions that could specifically provide international political cover may be better than looking at all HRC resolutions. Yet, deciding which HRC resolutions are problematic may be rather subjective, so a blunter—but more objective—measure is preferable.

HRC data come from Hug and Lukacs; their data include information on states' sponsorship and voting on resolutions in the HRC, covering 2006 through 2012.⁶¹ I supplemented this with 2013 data collected from blog posts by UN Watch—a nongovernmental organization monitoring the United Nation's human rights activities—on “selected resolutions” from HRC sessions. This is a semi-continuous variable that runs from 0 to 51.⁶² There may be some issues with adding supplemental data or combining introduction and sponsorship of resolutions; robustness checks address these issues. Another issue may involve states “signing on” to resolutions as part of a large group of countries, so their score on *HRC activity* may not indicate deliberate attempts to guide debates in the body. I address this by including an alternate measure of activity that removes all resolutions with more than 22 sponsors.⁶³

The analysis uses standard control variables to account for alternate causes of religious repression. The average of a country's scores from the Political Terror Scale project addresses the general level of repression in a country to assess whether religious repression appears unique.⁶⁴ Additional control variables are the log of a country's Gross Domestic Product (GDP) and population.⁶⁵ Finally, a dummy variable indicates whether the country's population is majority Muslim to assess whether the findings are driven by Muslim cultures.⁶⁶ I use a one-year lag for *HRC activity* and all control variables as it is likely HRC would have a later effect on religious repression.

61. Data available at <https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/28049>.

62. See the reviewers' appendix for more on this variable.

63. See the reviewers' appendix for more on this decision.

64. M. Gibney, L. Cornett, R. Wood, and P. Haschke, “Political Terror Scale 1976-2015.” Data retrieved, from the Political Terror Scale website: <http://www.politicalterrorsscale.org>. Last accessed January 19, 2018.

65. Data from the World Bank, available at <http://data.worldbank.org/>.

66. Data from the Pew Research Center for Muslim population using 2010 figures. Data is available at <http://www.pewforum.org/2014/04/04/religious-diversity-index-scores-by-country/>.

Methods

The analysis involves two sets of tests.⁶⁷ The first is a random effects regression including the measures of HRC activity along with the lagged *GRI* and control variables. A random effects regression is appropriate for this data as the focus is variation within states across time in their level of religious repression, as well as differences across observations with different levels of HRC activity. Moreover, an important predictor of religious repression—majority Muslim populations—is time invariant and would not be addressed in a fixed-effects model.

This analysis may be picking up the propensity for non-democratic states to be more active on the HRC, however. That is, repressive states may try to gain seats on the HRC, rather than the HRC leading to greater religious repression in states. The analysis addresses this by following the research design of a similar study on international treaties and human rights by Hill, drawing on coarsened exact to account for the potential bias.⁶⁸ This technique creates balanced observations that allow a comparison of states with and without participation in the HRC. The analysis incorporates the results of the matching into the analysis by re-running the random effects model with only matched observations.⁶⁹

Models 1 and 2 use *HRC Activity* with and without the results of the matching. Models 3 and 4 follow this specification, but use the version of *HRC Activity* without resolutions with more than 22 sponsors.

Numerous robustness checks dealt with possible issues with this analysis. Some use alternate measures of general repression. Others added Ethnic and Religious fractionalization.⁷⁰ Additionally, a robustness check uses alternate religious repression measures from the Religion and State Dataset.⁷¹ Other robustness

67. All calculations performed in Stata 14, using *outreg2*, *coefplot* and *cem* packages. See Reviewers' Appendix for more information on all tests. See also Matthew Blackwell et al., "CEM: Coarsened Exact Matching in Stata," *The Stata Journal* 9, no. 4 (2009): 524-46; Roy Wada, "Outreg2: Stata Module to Arrange Regression Outputs into an Illustrative Table" (2005); B. Jann, "Coefplot: Stata Module to Plot Regression Coefficients and Other Results" (2013).

68. Beth Simmons and Daniel Hopkins, "The Constraining Power of International Theories: Theory and Methods," *American Political Science Review* 99, no. 4 (2005): 623-31; Hill, "Estimating the Effects of Human Rights Treaties on State Behavior"; Stefano Iacus, Gary King, and Giuseppe Porro, "Causal Inference without Balance Checking: Coarsened Exact Matching," *Political Analysis* 20, no. 1 (2011): 1-24.

69. Robustness checks use alternate matching specifications. See the Reviewers' appendix for more information.

70. Alberto Alesina et al., "Fractionalization," *Journal of Economic Growth* 8 (2003): 155-94.

71. Available at www.religionandstate.org.

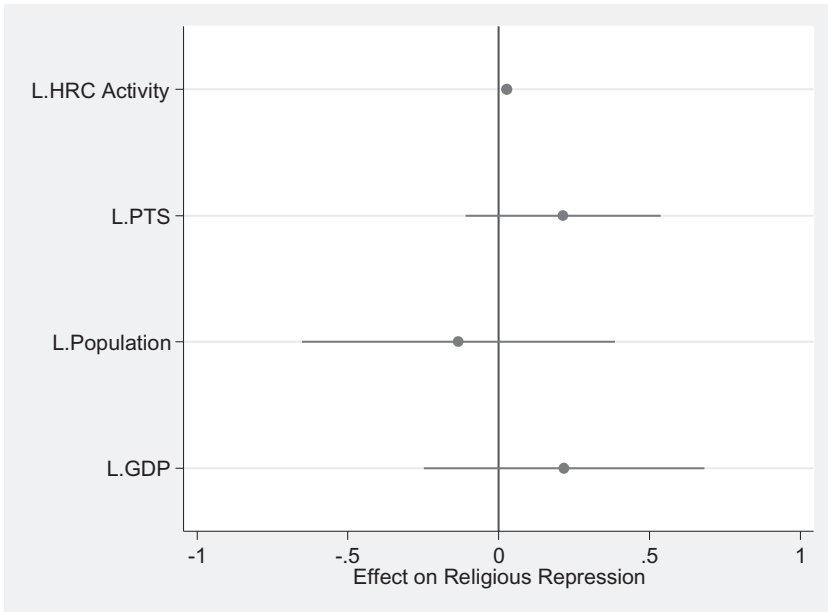


Figure 1 Effects of HRC activity and other variables on religious repression⁷²

checks did not include the supplemental collected data for 2013, excluded states that introduced resolutions, and added dummy variables for the Obama Administration and UN Security Council membership. Others used alternate models: the matched model with no control variables, a fixed effects regression, a generalized estimating equation, a random coefficients model, and different matching procedures.

Findings

This quantitative analysis provides strong support for the hypothesized effects of HRC activity on religious repression. Higher levels of HRC activity corresponded to increases in religious repression, even when the analysis addresses other possible explanations.

HRC Activity was statistically significant—with a positive effect on *GRI*—in all four models. It was significant at the 0.01 level in the regular random effects models and significant at the 0.05 level in the matched models. Interestingly, the size of the coefficient increased in the models that only included resolutions with fewer than 22 sponsors. (See [Figure 1](#) and [Table 1](#))

72. Majority Muslim was not presented because of visualization issues.

Table 1 Results from data analysis on HRC activity and religious repression.

	(1)	(2)	(3)	(4)
<i>HRC Activity</i>	0.02*** (0.00)	0.03** (0.01)		
<i>PTS</i>	0.05 (0.09)	0.21 (0.16)	0.04 (0.09)	0.11 (0.17)
<i>Population</i>	0.34* (0.14)	-0.13 (0.26)	0.33* (0.14)	-0.13 (0.26)
<i>GDP</i>	0.13 (0.13)	0.22 (0.24)	0.16 (0.13)	0.24 (0.24)
<i>Majority Muslim</i>	1.69*** (0.50)	1.27 (0.78)	1.69*** (0.50)	1.22 (0.78)
<i>HRC activity_less than ten sponsors</i>			0.04** (0.01)	0.06* (0.03)
<i>Constant</i>	-5.07* (2.67)	1.53 (4.09)	-5.00 (2.66)	1.61 (4.10)
Observations	311	96	311	96

Standard errors in parentheses *** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$

Increased HRC activity also had substantive effects on religious repression. The coefficient of *HRC Activity* is rather small. But if a country's *HRC Activity* goes from nothing to 33 resolutions a year—the level of the most active states on the HRC—its score will increase by a little over half a point on *GRI*. When this increase occurs in an already repressive state, the country's score would increase from 3.1 to 3.9. This is not an overwhelming increase in religious repression, but it does represent increased policies restricting religious communities. Moreover, the international cover that states arguably gain from HRC activity can facilitate religious repression, but does not completely determine it. The modest—but not marginal—substantive effects are, again, in line with the generally subtle role HRC activity is expected to play. (See [Figure 2](#)).

The effects of *HRC Activity* held up under the robustness checks. *HRC Activity* remained significant at the 0.05 level or greater in all 34 of the alternate model specifications except two. It was weakly significant in the test with the matching weights and country fixed effects and one of the religious repression variables from the Fox dataset. This is not concerning, however. The Fox dataset only overlapped with the UN HRC data for a few years, so the much smaller number of observations may affect the

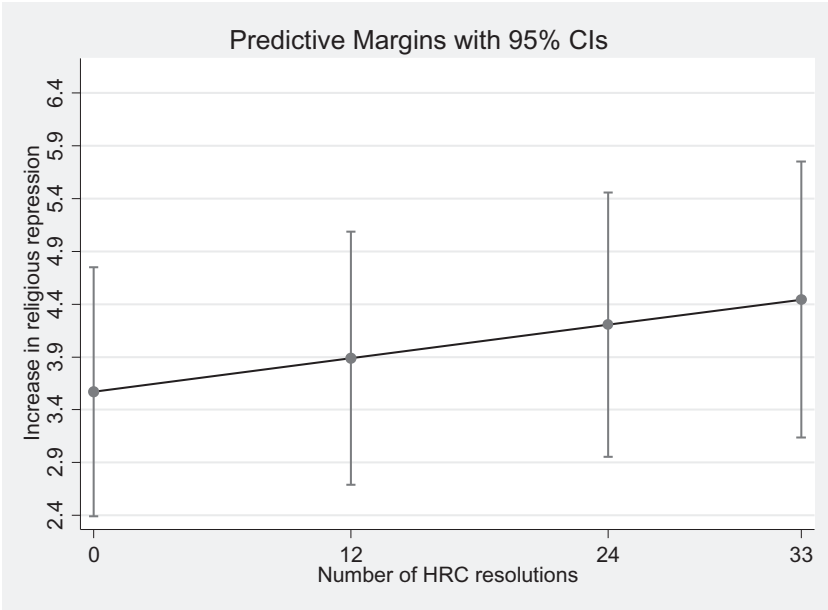


Figure 2 Substantive effects of HRC activity on religious repression⁷³

results. And including dummy variables for each country decreased the efficiency of the model, so a slight loss of significance is not surprising.

There are some limitations to these findings. The analysis draws from only a few years of data, as the HRC has only been in existence since 2006. The relationship may change with time. There may also be some issues with the models. The matched analysis makes use of only matched observations, rather than the weights produced by the matching. Using the weights would be more appropriate but would prevent use of the random effects model. Yet, as the results held across the different model specifications, the results are rather robust. Additionally, the analysis did not directly test for the presence of international cover as the mechanism explaining HRC activity’s effects. It would be difficult to do this with a quantitative study, however, but follow-up case studies may be useful. Moreover, the study does not look at the broader nature of the states’ views of the HRC, international opposition to

73. Y Axis is GRI scores, ranging from the “moderate” category in Pew Research Center categories to the upper end of the “high” category. X Axis is the number of HRC resolutions sponsored, increasing by approximately one standard deviation below the mean to one deviation above the mean from 0 to 33.

religious repression, or the HRC's impact on human rights outside of religious repression. These are important issues but are beyond the scope of this study. Additionally, as I argue above, the HRC's impact on religious repression may be distinct from other infringements on human rights.

Conclusion

The international community formed the UN Human Rights Council to advance human rights around the world. The effect its operations have on human rights are thus of crucial importance, and—due to its often subtle and contested nature—particularly significant for protections against religious repression. This article, unfortunately, finds that HRC activity can have a negative role on religious repression. Greater activity in the HRC contributes to increased religious repression in a country. That repressive states may abuse their seats on the HRC to deflect criticism of their human rights records may not be surprising. But it is significant that efforts are successful, giving states cover to expand repressive activities against religious groups.

The quantitative analysis did not directly test for states using HRC activity to gain cover for religious repression, but this is a more plausible explanation than alternatives for these results. One could argue that states' HRC activity could be changing international beliefs about justifications for repression or definition of religious freedom. As a result, increases in religious repression would be due to an increased acceptance of such policies, rather than states gaining international cover for their policies. Such an effect is possible, and some normative change may very well occur through HRC deliberations. But if this were the case, we would expect much more dramatic increases in religious restrictions as a result of increased HRC activity. Thus, the relatively small effects of HRC activity on religious repression support this theory—states gaining cover from their HRC activity to undertake only moderate changes in their repression. Additionally, testing for the role of majority-Muslim states indicates the HRC's impact on religious repression is not unique to Muslim culture. At the same time, testing for general political repression indicates the religious repression is distinct from broader repressive policies.

The findings suggest implications for the study of religious repression. As I discussed above, many scholars are analyzing the political nature of religious repression, with some attention to international factors. This article supports this approach; the extent of religious repression in a country does not depend on its culture—such as whether it is majority-Muslim—but on the

political conditions surrounding the state, including international attention. At the same time, religious beliefs are not irrelevant, as religion is obviously an important factor to attract such extensive repression. Future studies could further analyze how international religious debates influence domestic religious policies.

Granted, there have been critiques of both religious freedom and current initiatives to combat religious repression. Some have criticized religious freedom—and secularism more broadly—as being a Western norm.⁷⁴ If one is not opposed to government limits on religion, then the effects of HRC activity would not be concerning. This would not directly affect the reliability of the findings, however, as they hold up even if one does not desire to spread religious freedom.

The findings highlight how policymakers could advance their goals through international institutions. Contrary to both skeptics and advocates of liberal internationalism, international institutions like the HRC are neither useless nor completely positive. This article does criticize the United Nation's work on human rights. But that does not mean that states should ignore international institutions. Instead, participation in the HRC can matter greatly in world politics. States hoping to advance human rights, or those upset about the HRC's focus—such as the United States' concerns over HRC criticism of Israel—should still work with the HRC. Engagement through the forum by states and non-governmental human rights organizations could counter attempts to use the HRC as cover for religious repression. Thus, the proper response to these findings from those concerned about the negative aspects of the HRC is further engagement, not abandonment.

74. Hurd, *Beyond Religious Freedom*; Udi Greenberg and Daniel Steinmetz-Jenkins, "Is Religious Freedom a Bad Idea?," *The Nation*, March 16, 2016; Hurd, *Beyond Religious Freedom*.