

HUMAN RIGHTS WATCH

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Secretary of State Hillary Clinton
US Department of State
2201 C Street, NW
Washington, DC 20520

Secretary of the Treasury Timothy Geithner
US Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

Dear Secretaries Clinton and Geithner,

We write to you regarding the forthcoming US-China Strategic and Economic Dialogue. We are aware that the dialogue covers a range of issues, includes a variety of agencies, and is not traditionally a venue in which human rights are discussed.

However, it is increasingly clear that securing a host of US interests in China is inextricably linked to securing human rights and the rule of law there. Just last month, the Chinese government's efforts to require the installation of Green Dam filtering software on all computers imperiled freedom of information and outraged a broad cross-section of the American business community. American consumers remain at risk until the Chinese government unshackles the domestic press to report on substandard products. Achieving US goals on climate change are not simply predicated on China embracing technological changes, but also on China listening to—rather than persecuting—environmental activists. And the full spectrum of American interests in China is chronically in jeopardy so long as that government maintains its chokehold on the mass media, which in moments of crisis allows it to stoke nationalist anger against the United States and others.

Greater human rights protections in China are in the US interest, and raising these concerns outside the normal channels, through diverse and coordinated actors, is more likely to produce results. For example, within days of the Department of Commerce and the United States Trade Representative expressing public concern on commercial and human rights grounds over the Green Dam software, the Chinese government relented and indefinitely postponed the installation deadline.

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Although the US maintains a bilateral human rights dialogue with China, that forum is now an almost meaningless exercise that has produced no apparent tangible benefits for the Chinese people. The human rights dialogue has ghettoized those issues, leaving them stuck in the hands of mid-level officials. The Strategic and Economic Dialogue is an opportunity to make human rights a genuine pillar of the US-China relationship and avoid subordinating them to other US interests, which in the past led to contradictory messages from Cabinet-level officials, allowing the Chinese government to hear the message it preferred.

Put simply, advancing US-China interests requires progress in human rights. Achieving that goal requires a higher degree of coordination across agencies. We hope that you can demonstrate such an approach at the Strategic and Economic Dialogue, particularly by asking the following agencies to raise key concerns, all of which Human Rights Watch has documented:

- The Department of Agriculture, as one of the agencies involved in product safety, has the opportunity to urge the Chinese government to relax its grip on the domestic press. We now know that the Chinese press had the necessary information to report on tainted milk formula in June 2008, but was prevented from doing so until September, following the conclusion of the Beijing Olympics, and thus contributing to a global public health crisis. To avoid such problems in the future, Department of Agriculture representatives should stress the relationship between product safety and timely, factual reporting by Chinese journalists, who should not face reprisals for coverage that is critical of state interests. In addition, Agriculture should raise the rampant seizure of farmland without consultation, compensation, or due process for alleged development purposes.
- The Department of Commerce and United States Trade Representative should continue to express grave concerns about not only the Green Dam software but also Internet censorship as a whole. They should also indicate growing unease in the American business community, as widely reported in newspapers, about the Chinese government's recent use of state security laws to arrest Rio Tinto officials; this kind of arbitrary use of a broadly worded law brings none of the predictability that the business community needs and rightly desires. Both US officials should urge the Chinese government to make genuine progress towards establishing the rule of law by expressing support for the establishment of independent bar associations and objecting to the persecution of lawyers.
- The Department of Defense also has a role to play in pressing its Chinese counterparts to respect international human rights standards in any discussions about joint counterterrorism efforts. At a minimum, Pentagon officials should take the opportunity to discuss the July 2009 crackdown in

Xinjiang. Since 2001, the Chinese government has used the US government's "war on terror" as *carte blanche* to step up its repression in Xinjiang, where religious, cultural, and linguistic expressions of Uighur identity, and peaceful advocacy of self-determination, have been systematically conflated with "separatism" or "terrorism." It is not in the US government's interest to further see Muslim populations in China or elsewhere radicalized as a result of the Chinese government's deeply politicized and indiscriminate approach to counterterrorism.

- The Department of Labor has an opportunity to query its counterparts about the status of China's Labor Contract Law. That Law's passage, which some members of the American business community lobbied against, has been heralded as an important step forward in protecting key workers' rights, including workers' ability to sue employers for back wages. In recent months, however, there have been credible reports that the Law is not being uniformly implemented, meaning that some workers remain vulnerable to serious abuses. In addition, Labor representatives should press their Chinese counterparts for a date by which the household registration, or *hukou*, system will finally be repealed. This system, which the Chinese leadership for over a decade has promised to abolish, makes it difficult for Chinese workers who lack urban residence permits to access state-funded health care, education, and other services on an equal basis with urban residents.
- The Environmental Protection Agency, which has a particularly robust relationship with the Chinese government, also shares an opportunity to urge greater press freedom and access to information inside the country. The Chinese government has tried to cover up some of its most serious environmental crises in recent years, such as the benzene spill into the Songhua River in 2005. In that instance, the Chinese government resisted informing not only its own citizens, but also neighboring Russia. Individual environmental activists and whistle-blowers—who are crucial to "cleaning and greening" China, but who are often persecuted by local authorities—should also be discussed. Examples include Wu Lihong, whose efforts to end chemical contamination of Lake Tai in eastern Jiangsu province, resulted in a three-year conviction in 2007 on highly dubious fraud and blackmail charges. Sun Xiaodi, winner of the 2006 international Nuclear-Free Future award, was sentenced to two years of Reeducation Through Labor in July 2009 on state-secrets charges related to his activism against nuclear contamination from uranium mining in northwestern Gansu province.
- The Department of Health and Human Services is well placed to raise at least three key concerns. Those include the rampant discrimination against China's estimated 350 million chronic Hepatitis B carriers, who face limited access to employment and education. The government continues to persecute those

who are or who advocate on behalf of people living with HIV/AIDS, such as Li Xige, an activist from Henan province living with HIV/AIDS, whom Chinese authorities have threatened with jail if she persists with her efforts. In addition, HHS should ask questions about some of China's massive forced resettlement and rehousing campaigns, which will see hundreds of thousands of people relocated in Tibet alone over the next two years. Smaller-scale resettlement campaigns were carried out by Beijing's municipal government in the run-up to the 2008 Olympics; in both instances consultation and/or compensation were the rare exception, not the rule as stipulated by Chinese law.

- The Department of State should make utterly unambiguous to its Chinese counterparts the need for a complete and transparent investigation into all aspects of the recent unrest in Xinjiang and the March 2008 unrest in Tibet, and should express support for the involvement of the United Nations. Secretary Clinton should stress the value the United States places on peaceful expression, including advocating self-determination, and note that these rights are guaranteed by international law. In addition, the State Department should express its grave concerns about the fate of human rights lawyer Gao Zhisheng, who is now feared dead by some of those who have followed his case most closely, and of Liu Xiaobo, a prominent dissident who has now been formally charged with subversion. The Secretary should ask for an explanation as to why dozens of Chinese human rights lawyers have been disbarred in recent months.

Human Rights Watch believes that with a well coordinated effort, this administration has the opportunity to make progress where others have not. Although the interests represented at the Strategic and Economic Dialogue are diverse, none will succeed without the Chinese government tolerating a non-politicized judicial system, the free flow of uncensored information, and peaceful criticism. We urge that you seize this opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth Roth". The signature is stylized and cursive.

Kenneth Roth
Executive Director