



Testimony of Sophie Richardson,
China Director,
Human Rights Watch:

House Committee on Foreign Affairs
November 3, 2011

**“Congressional Executive Commission on China:
2011 Annual Report”**



Chairman Ros-Lehtinen, ranking member Berman, members of the Committee,

Human Rights Watch would first like to express its thanks to the Committee for holding this timely hearing; a focus on human rights abuses in China is very welcome. We also wish to extend our congratulations to the Congressional Executive Commission on China for another excellent annual report.

2011 has indeed been a difficult year for human rights and human rights defenders in China. Unnerved by the “Arab Spring” uprisings, and with much of the world’s attention focused on the Middle East, the Chinese government cracked down on dissent to an extent we have not seen in over a decade. The authorities also strengthened internet and press censorship, put under surveillance and restricted the activities of many critics, and took the unprecedented step of rounding up over thirty of them, disappearing them for weeks.

More broadly, the Chinese government continues to restrict the freedoms of expression, association, and religion; profoundly politicize the judiciary; and shows no sign of altering its repressive policies in ethnic minority areas. It justifies such measures on the grounds of maintaining “social stability” and achieving a “harmonious society,” and has radically empowered the domestic security apparatus to achieve those objectives.

A growing number of people in China—some who would identify themselves as dissidents or human rights defenders, many others who think of themselves as ordinary citizens—are highly aware of their rights and are demanding greater respect for them. Official and scholarly statistics estimate that 250-500 protests occur per day; participants number from ten to tens of thousands.

Successive American administrations have pledged repeatedly that the promotion of human rights in China remains at the core of US policy towards that country; the current administration is no exception. But now more than ever before, securing a host of US interests in China is inextricably linked to securing human rights and the rule of law there. 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 and the legal system. Quite simply, advancing US interests requires progress on human rights in China.

Too often we hear American and other governments' officials question the efficacy of pressuring the Chinese government over its appalling human rights record. But why did authorities release Ai Weiwei, the internationally-known artist who was "disappeared" for 80 days, just prior to a Chinese leadership visit to Europe, where outrage over Ai's treatment was particularly visceral? Why did the authorities finally relent and allow the six-year-old daughter of Chen Guangcheng, a legal activist still held under house arrest, to attend school after domestic protest over the family's treatment grew louder? Because the Chinese government remains susceptible to domestic and international pressure, despite the hype surrounding its role as world banker. When hundreds of ordinary Chinese citizens demonstrate extraordinary courage to try to visit Chen at his home in Shandong province, the right question to ask is not, "Does pressure work?" but rather, "How best can the US assist in those efforts to secure human rights?"

With this in mind, we offer four broad recommendations:

First, given the broadly-held stakes in securing better human rights protections in China, the US needs to raise these concerns through diverse and coordinated actors, not just the "usual suspects" at the State Department. Doing so is more likely to produce results because it will address a broader spectrum of Chinese officials, and indicate a seriousness of purpose by the US. While we see more diverse agency representation in the bilateral human rights dialogue and the Strategic and Economic Dialogue, that participation is not being put to discernible use for human rights purposes between meetings. Nor are all of the relevant agencies given the opportunity—and urged to assume an obligation—to discuss the human rights dimensions of everything from drug inspections to land tenure to whom the Chinese government designates as a "terrorist." Nearly three years into this administration, there is still no functional interagency working group on human rights that could coordinate such efforts, and important opportunities to defend rights are being missed as a result. Moreover, we continue to see cabinet members visit Beijing or receive their official counterparts and fail to raise human rights issues; Attorney General Eric Holder's October 2010 public remarks about Liu Xiaobo are a laudable exception. There is a human rights issue in China for every US agency and every cabinet member; they must be tasked with raising those issues in every interaction with their official Chinese counterparts.

Second, we cannot emphasize enough how much continuity matters when speaking about human rights issues with the Chinese government. That government is as attuned to what goes unsaid from one meeting to the next as it is to what is said, or what is said differently, and is eager for the opportunity to suggest that the US has decided to pull its punches. This administration initially turned in a distressingly weak performance on China and human rights issues, found its voice and courage in late 2010—offering up some extremely strong views particularly in Secretary Clinton’s January 2011 speech—but now seems to be fading again. We are encouraged when we hear Deputy Secretary Burns emphasize in October 2011 the universality of human rights in China but discouraged when President Obama appears to espouse the idea of “different traditions” of human rights in January 2011. Secretary Clinton’s and then-Ambassador Huntsman’s strong and unapologetic remarks on human rights are fundamentally undermined when Vice President Biden and Ambassador Locke not only offer softer remarks but go so far as to suggest that Chinese and American people—not governments—have different views on human rights. We hope Ambassador Locke will uphold the standard set by former Ambassador Huntsman, who was particularly effective on human rights issues. It is equally unhelpful that many American officials continue to raise human rights following a disclaimer that it is a topic about which the two sides will disagree. In fact, there is strong support inside China for universal human rights, and the US should be focused on overcoming the political circumstances that restrict rights and honest discussion about rights in China. Simply put, American officials need to get—and stay—on message.

Third, American officials do themselves and human rights defenders in China little good when they merely say publicly that human rights were discussed with Chinese government officials—period, full stop, with no further details. A statement just last week included an example: “The two sides also discussed the South China Sea and human rights.” But what got discussed—individual cases? Broader trends? What costs the US would impose for non-compliance? And what was the outcome? An account of topics discussed and outcomes not only serves to underscore US concerns but enables other actors to amplify the message and judge progress or obstacles. Assistant Secretary Posner helped buck this trend when he spoke publicly after the last round in Beijing of the bilateral human rights dialogue, describing the Chinese government’s responses to queries about individual cases as having “given no comfort.”

Finally, while it is appropriate that the US focuses some of its human rights diplomacy on the Chinese government, this should not be to the exclusion of efforts directed at a much larger Chinese audience and at independent voices. We appreciate the US’s efforts to make information available in Chinese, and to communicate with Chinese citizens through *weibo* (microblogs) and other electronic media. But still-greater use of those media is essential,

particularly by making very senior officials available regularly to communicate with people in China, simply to demonstrate the normalcy of doing so. Conversely, the US needs to do a better job of listening to a far broader audience rather than placing the views of a decidedly unrepresentative government at the center of its thinking. President Obama should meet with former Chinese, Tibetan, and Uighur political prisoners—as many on the committee have done—and find ways to publicly praise the countless acts of bravery against arbitrary rule that take place every day. US officials manage in nearly every speech to reassure the Chinese government that the US “welcome[s] a strong and prosperous and successful China that also plays a greater role in world affairs.” Could those officials not offer comparable words of appreciation for those who are doing—and risking—the most to actually effect the rule of law, greater transparency, and decent governance? Short of having the Chinese government react constructively to their concerns, what could be more empowering to those who struggle for what the US says it wants in China than hearing the US raise their concerns about human rights?

In addition to these suggestions, we offer these discrete recommendations:

- Urge that Secretary Clinton raise with her Chinese counterparts at the highest levels the need for the Chinese government to resume dialogue with the Dalai Lama and Tibetan government representatives in response to the ongoing crisis around the Kirti monastery. In addition, and in light of the fact that Kalon Tripa Lobsang Sangay—the head of the Tibetan government in exile—has been elected through a process considerably more democratic and transparent than the selection of any PRC leader, the US government should receive him at senior levels.
- Devote as much or more attention in public and private remarks to human rights abuses inside China when current Vice President Xi Jinping makes his first major visit to the US in 2012, as the US did during President Hu Jintao’s January 2011 state visit.
- Maintain funding not only for Tibetan language programs for RFA and VOA, but also for the Mandarin, Cantonese, and Uighur services; these are irreplaceable means of transmitting information into and out of all regions of China.
- Stress, when seeking cooperation with China on counterterrorism efforts, that the threat of terrorism cannot be an excuse to persecute or curtail the human rights protections of specific ethnic groups.
- Regularly summon members of the American business community to discuss their operations inside China to ensure that those do not run counter to efforts to promote human rights.

- Continue to push for diplomats, journalists, United Nations special rapporteurs, and independent human rights groups to have access to parts of the country where it is restricted.
- Consider tabling a resolution on China's human rights record at the United Nations Human Rights Council.
- Commit to reiterating on December 10, 2012, the US's call for 2011 Nobel Peace Prize winner Liu Xiaobo, his wife, Liu Xia, and all others arbitrarily held in China to be freed.

Even the most determined US policy on these issues may not yield immediate change inside the Chinese government. But long term, the message will be absorbed, and not least it will immediately encourage those who are fighting every day to protect their rights.

Thank you.