



# Strategic Persistence

How the United States Can Help Improve Human Rights in China

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William F. Schulz January 2009



Center for American Progress



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# Contents

## **1 Executive Summary**

## **3 Introduction**

## **9 Setting the Context**

## **13 The Principles Behind the Policies**

- 13 Calibrate our strategy to China's unique circumstances
- 13 Employ separate strategies to promote democracy and human rights
- 14 A preferential option for carrots over sticks
- 15 Understanding is not condoning
- 15 Appeal to China's self-interest and connect the dots
- 17 Globalize pressure to encourage China to play by the world's rules
- 18 Seek common ground but take advantage of internal divisions
- 19 Ignore the rhetoric, don't be distracted and never give up

## **21 China Human Rights Policy Recommendations**

- 21 General Policy Recommendations
- 24 Trade and Investment
- 26 The Internet
- 28 Labor
- 30 Trafficking in Persons
- 31 Religious Freedom
- 32 Tibet and Xinjiang
- 33 Foreign Policy

## **37 Conclusion**

## **38 Appendix I**

## **40 Appendix II**

## **43 Appendix III**

## **46 Endnotes**

## **48 About the Author and Acknowledgements**



# Executive Summary

The relationship between the United States and China may well be the most important bilateral relationship in the world. In recognition of that fact, the Center for American Progress released a comprehensive report in August 2008, entitled “A Global Imperative: A Progressive Approach to U.S.-China Relations in the 21st Century,” that addressed all aspects of U.S.-China relations. Building upon that report, “Strategic Persistence: How the United States Can Help Improve Human Rights in China” is designed to provide both fundamental principles that should guide U.S. policymakers in their efforts to effect positive change in China’s human rights practices and concrete recommendations to advance those efforts.

Despite significant progress in realizing social and economic rights and even some increases in individual freedoms, China remains responsible for profound violations of its people’s civil and political rights. In its foreign policy, China has often backed repressive regimes around the world and watered down international sanctions against them. None of this is in the United States’ best interests. Given the high degree of economic interdependence between the United States and China and China’s growing military reach, American interests are best served by a stable China with a robust commitment to the rule of law—conditions that are undermined by a failure to respect human rights.

U.S. approaches to human rights in China have ranged from confrontation to passivity and have rarely reflected a coordinated strategy across government entities. The key to U.S. efforts to promote human rights in China is to take a coherent, pragmatic, non-ideological approach that goes beyond easy rhetoric, taking advantage of strategic openings and recognizing the value of persistence. Ultimately, China must be persuaded that greater democracy and human rights are in its own best interests, integral to its becoming the highly respected global leader it aspires to be.

This paper outlines eight principles that should inform the U.S. approach to improving human rights in China:

**Calibrate our strategy to China’s unique circumstances.** China is a major power and the United States has a multiplicity of interests in relation to it. Human rights policy must take those facts into account.

**Develop separate strategies for democracy promotion and human rights.** The two are related, but they are not identical. Each deserves its own carefully designed approach.

**Opt preferentially for carrots over sticks.** The United States' capacity to "punish" China is limited and generally ineffective. The United States should not hesitate to criticize China as appropriate, but our preference should be for reinforcing positive changes.

**Understanding is not condoning.** China faces an array of profound challenges. The United States should acknowledge them in order to know better how to influence the Chinese government.

**Appeal to China's interests and connect the dots.** Human rights are in China's own best interests, but the Chinese government rarely perceives that to be the case and often misjudges how others will respond to its actions. Wherever possible, the United States should base its appeals on China's own needs.

**Globalize the pressure and encourage China to play by the world's rules.** The United States cannot change China's human rights practices by itself. Some of the most effective pressure will come from other nations encouraging China to live up to the global standards expected of a world leader.

**Seek common ground but take advantage of internal divisions over human rights.** In some areas, such as trafficking of persons, China's interests and those of the United States are generally aligned. On other issues, such as the utility of "reeducation through labor" camps, the Chinese are themselves divided. The United States should be alert to both circumstances.

**Ignore the rhetoric, don't be distracted and never give up.** China is not immutable to pressure despite its occasionally extreme rhetoric. The United States must speak with one voice and recognize that improvement in China's human rights practices may be a long time coming.

This paper then applies these principles in a series of recommendations designed to increase the coherence of U.S. strategy and address openings provided by U.S. efforts to boost:

- Trade and investment
- Access to the Internet by Chinese citizens
- Labor rights
- Efforts to combat trafficking in persons
- Religious freedom
- Human rights in Tibet and Xinjiang
- Chinese foreign policy with respect to repressive regimes

These eight principles and the recommendations that follow will, we believe, enable the new Obama administration and the 111th Congress to make substantial progress on human rights in China and in China's human rights-related foreign policy. This paper concludes, however, by recognizing that persistence above all is required of those who seek to advance human rights.

# Introduction

“[China is] a really complex society. I don’t think it should be defined by one dimension, its economics, or security, or human rights. We need to look at all the issues.”<sup>1</sup>

— *Christopher Hill, U.S. diplomat*

Liu Xiaobo thought he knew the perfect way to mark Human Rights Day, December 10, 2008, the 60th anniversary of the adoption of the Universal Declaration of Human Rights. One of China’s most prominent dissidents, Liu and more than 300 Chinese academics, lawyers and artists would sign and post on the Internet a letter demanding political reform. “Authoritarianism is in general decline throughout the world,” the letter read. “In China, too, the era of emperors and overlords is on the way out. The time is arriving everywhere for citizens to be masters of states.”

The Chinese government too had plans for December 10. China Daily, a state-run newspaper, carried an article that day by Wang Chen, the minister of the State Council Information Office, hailing the 229 laws and 600 administrative decrees China has in place to protect individual rights. “So long as we unwaveringly... [respect] human rights, constantly improve democracy and the rule of law, our society will become more harmonious and people will live a still better life,” he wrote.

But by the time both the letter and the article appeared, Liu Xiaobo was not in a position to read them. He was hardly living a “better life” because two days before Human Rights Day he had been arrested for his role in drafting the letter.<sup>2</sup>

Such paradoxes are typical of China’s approach to human rights. Over the past 60 years, China has adopted many internationally recognized human rights standards as its own. It has ratified the Convention on the Elimination of Racial Discrimination and the Convention Against Torture, for example, as well as several human rights treaties that the United States has yet to ratify, such as the International Covenant on Economic, Social and

Cultural Rights, the Convention on the Elimination of Discrimination Against Women, and the Convention on the Rights of the Child (See box below for a list of human rights treaties ratified by China).

Moreover, the People's Republic of China has incorporated some international human rights norms into domestic law. One case in point: Chinese law forbids the use of torture to obtain confessions and even requires that interrogations of suspects of major crimes be video-recorded. What's more, in 2004 China's leaders added the phrase "the State respects and protects human rights" to its Constitution.

## International Human Rights Treaties Ratified by China<sup>3</sup>

- **Convention on the Prevention and Punishment of the Crime of Genocide (1948)**  
Entered into force in 1951; Ratified by China in 1983
- **International Convention on the Elimination of All Forms of Racial Discrimination (1966)**  
Entered into force in 1969; Ratified with reservation by China in 1981
- **Amendment to article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination (1992)**  
Not yet in force; Accepted by China in 2002
- **International Covenant on Economic, Social and Cultural Rights (1966)**  
Entered into force in 1976; Ratified by China in 2001
- **International Convention on the Suppression and Punishment of the Crime of Apartheid (1973)**  
Entered into force in 1976; Ratified by China in 1983
- **Convention on the Elimination of All Forms of Discrimination against Women (1979)**  
Entered into force in 1981; Ratified by China in 1980
- **Amendment to article 20, paragraph 1 of the Convention on the Elimination of All Forms of Discrimination against Women (1995)**  
Not yet in force; Accepted by China in 2002
- **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)**  
Entered into force in 1987; Ratified by China in 1988
- **Amendments to articles 17 (7) and 18 (5) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1992)**  
Not yet in force; Accepted by China in 2002
- **Convention on the Rights of the Child (1989)**  
Entered into force in 1990; Ratified by China in 1992
- **Amendment to article 43 (2) of the Convention on the Rights of the Child (1995)**  
Entered into force in 2002; Accepted by China in 2002
- **Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000)**  
Entered into force in 2002; Ratified by China in 2008
- **Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)**  
Entered into force in 2002; Ratified by China in 2002
- **Convention on the Rights of Persons with Disabilities (2006)**  
Entered into force in 2008; Ratified by China in 2008

Yet there is little dispute that China continues to be responsible for a wide variety of serious human rights abuses. In part, this paradox is because China's laws are still far from adequate—there is, for example, no presumption of innocence—and in part, it is because even when the laws are satisfactory, there are few institutional safeguards in place to guarantee their enforcement or guard against their abuse. Above all, though, any human rights concerns are trumped by the predilections of an authoritarian central government that brooks no meaningful dissent against its own policies and for which maintenance of its own power is its highest priority.

This last factor contributes to a second paradox concerning democracy and human rights in China. At local levels and in voluntary associations, “democratic deliberation” seems to have increased significantly. In a wide variety of forums, both electronic and face-to-face, the Chinese people seem far freer than ever to “participate” in debates about matters that affect their lives. But as one American law professor who attended a conference in China on deliberative democracy put it, “the fact that we were ready to call almost any participatory institution ‘democratic’ seemed too generous within a country without the most basic of democratic indicia: competitive elections on the national level and basic human rights.”<sup>4</sup>

And then there is a third paradox with regard to China's human rights practices. While the country has made noticeable progress in improving peoples' social and economic rights—illustrated most recently in the government's decision to allow farmers to lease or transfer land-use rights, a major step toward the recognition of individual property rights<sup>5</sup>—violations of civil and political rights remain rampant. They range from the widespread use of torture to the detention without charge or trial of as many as 500,000 people in so-called “re-education through labor” camps, known as *laojiao* in Chinese.

Civil and political rights violations also include the imprisonment of thousands of political prisoners, often under abysmal conditions, and the harassment (or worse) of members of religious groups, such as members and leaders of “unregistered” Catholic and Protestant churches and the Falun Gong meditation and spiritual exercise movement, as well as human rights activists, critics in the media, and lawyers attempting to bring legal action against the government or defend those charged with political crimes.<sup>6</sup> Coercive population planning policies and forced abortion continue to plague Chinese women, and China's efforts to combat trafficking of persons remain inadequate.

Astonishingly, the death penalty is imposed for 68 different offenses, including non-violent crimes such as corruption. The free flow of electronic information is subject to significant restrictions.<sup>7</sup> And China's treatment of Tibetans and Uighur Muslims is particularly harsh—both its treatment of individuals it suspects of fostering independence (or “splitism,” in Chinese communist terminology) and regards as “terrorists” and of these groups as a whole whose indigenous cultures it is trying to dissipate through the massive importation of Han Chinese to Tibet and Xinjiang.<sup>8</sup>

Even when  
China may not  
sympathize with  
a government's  
policies, its  
commitment to its  
business interests  
and to the principle  
of noninterference  
in the affairs  
of other states  
supercedes any  
concern for  
human rights.

Moreover, China's failure to respect civil and political rights at home has been mirrored in much of its foreign policy, especially toward other human rights-offending states. Most notably, China has helped prop up the genocidal regime in Sudan through its investments and arms sales. Beijing also has extended its protection to the repressive governments in Zimbabwe and Myanmar by filling economic vacuums left by Western nations that respect sanctions on the regimes, selling both countries arms they were unlikely to secure elsewhere, and blocking many of the international efforts to put pressure on them.<sup>9</sup> Even when China may not sympathize with a government's policies, as it may not, for example, in the case of Sudan's pursuit of genocide, its commitment to its business interests and to the principle of noninterference in the affairs of other states supercedes any concern for human rights.

Traditionally, U.S.-China relations have revolved around trade, security (including nuclear proliferation), Taiwan and human rights—joined more recently by climate and energy policy. But U.S. policy toward China's human rights practices often has been confusing, inconsistent and ill-coordinated across the government. Washington has veered from quiescence to sometimes harsh public criticism; at least 16 resolutions critical of China have been introduced and/or passed by the House of Representatives, the Senate or both chambers since 1990 (see Appendix I on page 38 for a list of selected resolutions). Neither of these polar extremes has resulted in noticeable progress.

The decision to de-link human rights and trade, made early in the Clinton administration, removed one vehicle for exerting pressure on China—albeit a vehicle that had yielded limited results—without offering up an alternative. The Bush administration further softened policy on China's human rights record, subordinating the issue to economic priorities and strategic concerns about North Korea. Though it maintained pressure on China to improve its record on religious rights in the country, the Bush administration chose, ironically enough, to drop China from the State Department's list of worst human rights violators three days before China's crackdown on Tibet in March 2008.

Yet the state of human rights in China is critically important both in terms of international human rights norms and American interests. To be sure, there are no mass killings going on in China, as there are in Darfur, and while Beijing is highly repressive, its authoritarian leaders are more open to outside influence than the generals who rule in Myanmar. But measured by the sheer numbers of people being affected by abuse of their rights, China may be the premier violator of civil and political rights in the world.

Furthermore, because of China's very size and reach, its posture toward human rights has a profound influence on how human rights norms and practices are perceived at the United Nations, in developing countries where China is expanding its engagement at a rapid rate,<sup>10</sup> and throughout Asia. Human rights standards (and the legal regimens that codify them) have evolved over the last two centuries; what had been accepted as normative, such as slavery, is regarded today as abhorrent and a violation of international law.

# Major Human Rights Abuses in China

## Restrictions of press freedom

- Tight control of media content and flow of information
- Internet censorship and surveillance
- Intimidation, harassment, beatings, and detainment of journalists

## Repression of religious and spiritual groups

- Monitoring and harassment of religious groups, including the Falun Gong
- Criminal prosecution, fines, arrests, and detention of the leaders and members of unapproved churches

## Suppression of civil society critics, activists, and protesters

- Surveillance, harassment, and beatings
- Abduction, forced disappearances, and confinement incommunicado
- Re-education through labor and other forms of detention without charge or trial
- Suspension or disbarment of human rights defense lawyers

## Controls on the justice system

- Obstacles to court access
- Limitations on rights for criminal defendants, including denial of prompt and regular access to lawyers
- Restricted access to documents, clients, and court procedures for defense lawyers

## Widespread use of torture

## Excessive and often secret use of the death penalty

## Violations of labor rights

- Weak enforcement of labor laws and a lack of realistic routes for redress, allowing for human rights abuses that include:
  - Forced and uncompensated overtime
  - Violations of minimum wage rules
  - Unpaid pensions and wages
  - Dangerous and unhealthy working environments

- Suppression of protests
- Forced child labor
- Trafficking for forced labor

## Violations of women's rights

- Coercive population planning policies, including forced abortions and sterilization
- Violence and discrimination
- Trafficking for forced marriage and sexual exploitation

## Involuntary resettlement

- Forced evictions, embezzlement, and corruption
- Removal of indigenous populations, disrupting traditional lifestyles and threatening livelihood

## Extreme repression and controls of religious, cultural, and political expression in Tibet and Xinjiang

## Supporting authoritarian regimes responsible for widespread human rights abuses, including Iran, Myanmar, Sudan, and Zimbabwe

- Providing loans, economic support, and arms
- Blocking U.N. Security Council efforts to take action
- Maintaining trade relations in violation of international sanctions

### Sources:

Human Rights Watch: "World Report, 2008."

Amnesty International: "Human Rights in People's Republic of China Report 2008."

For more detailed information about human rights in China, see also:

U.S. Department of State Bureau of Democracy, Human Rights, and Labor: Country Reports on Human Rights Practices: "China (includes Tibet, Hong Kong, and Macau), 2007."

U.S. Department of State Bureau of Democracy, Human Rights, and Labor: Advancing Freedom and Democracy Reports: "China (includes Tibet), 2008."

But those standards can devolve as well, especially if powerful nations seek regressive changes or instigate regressive norms—casting the entire human rights regimen into jeopardy. Conversely, significant improvement in China’s human rights policies would reverberate widely around the world, removing a model of authoritarianism for others to mimic or hide behind.

Improving China’s human rights record will pay enormous dividends for the United States as well. Americans have been far too easily swayed by the notion that China’s economic advances have by necessity come at the expense of a sacrifice of civil and political rights. Businesses especially have been persuaded that economic growth will be sufficient to usher in political change... eventually.<sup>11</sup> And many Americans are wary of the security issues implicated in competition with China, asking whether we should alienate such an important emerging power over issues like democracy or religious freedom.

But states that allow themselves to be held to account by their own citizens and respect the rule of law tend to be more reliable partners in their relations with other states. Any authoritarian country is inherently brittle, caught up in needless preoccupation with controlling its own population and warding off dissent. That makes for suspicion and resentment of outsiders. The absence of a viable opposition or fully independent press makes a ruling party less wary of abrogating international agreements or alienating other nations for no good reason. A fickle approach to the rule of law jeopardizes everything from business contracts for American corporations to enforcement of trade and environmental agreements. Cheap Chinese labor undercuts American jobs; the higher the labor standards in a country, the slower the U.S. trade deficit grows.<sup>12</sup>

Moreover, if we accept the commonly agreed proposition that democracies rarely, if ever, launch wars against other democracies, then a more democratic China is likely to be a less belligerent China—at least in the long run. Finally, were China to place a higher value on human rights, it might well be willing to bear a greater portion of the burden for such things as U.N. human rights mechanisms and the resolution of international crises stemming from injustice.

So what should the U.S. posture be toward China’s human rights violations and its suborning of repressive regimes? What are the limits of our ability to influence China on these matters, and what policies should the new administration and Congress adopt to maximize that influence?

In the pages that follow, this paper will propose a set of principles and assumptions to guide U.S. decision-making and then lay out a series of concrete steps the United States might take to advance improvements in China’s human rights practices both at home and around the world. But first, a few words are in order about the context in which the United States and China are operating.

# Setting the Context

The relationship between the United States and China may well be the most important bilateral relationship in the world. Despite its current economic woes and its recent military overreaching, the United States remains the world's most powerful nation.

China's growing regional military clout, its stunning double-digit economic growth over the past several decades and its \$1 trillion in foreign exchange reserves means it too is now a force to be reckoned with on the world stage. How these two giants navigate their relations will have a profound impact on much of the rest of the globe.

There is no question that China's explosive growth has benefited hundreds of millions of Chinese, especially in coastal and urban settings, but this does not mean that immense social and economic challenges do not remain. The World Bank estimates that 128 million Chinese live on less than a dollar a day. Millions more live without access to clean water as pollution and ecological degradation threaten vast regions of the country, and as we saw with the 2008 Sichuan earthquake, much of the infrastructure, particularly in the rural and interior regions, is of poor quality.<sup>13</sup> Nonetheless, economic and social rights are just as important as civil and political rights, and to the extent that economic rights require a progressive realization of the "right to a standard of living adequate to... health and well-being," China may justifiably expect applause.<sup>14</sup>

What's more, within the constraints of a system that remains highly authoritarian, some individual freedoms have increased. Urban residents can generally choose their own careers and lifestyles. Rural folk are free to go to the cities to seek temporary work. And most academics can pursue their research and writing with only the lightest of political supervision. There are at least 300,000 registered nongovernmental organizations in China and perhaps as many as 2 million non-registered groups addressing issues from HIV/AIDS to environmental concerns. These groups operate under considerable constraints but they reflect the fact that, as one activist put it, "people have much more information now and they're much more willing to defend their rights."<sup>15</sup>

Indeed, these developments derive, in part, from elements of the Confucian tradition that legitimate petitioning leaders and mandate government accountability. In addition, they are often powered by modern technology. Cell phones and text messages have facilitated many of the thousands of demonstrations—some estimate as many as 100,000 "public

order disturbances,” often over economic, land use and environmental issues, in 2007<sup>16</sup>—that take place each year against government or business. Particularly at the local level, those who expose or protest corruption or seek redress of grievances have in general been given more leeway than in years past, as long as the target of their grievances are economic enterprises or low-level officials.<sup>17</sup> Those who tried to elevate local concerns to national attention during the 2008 Summer Olympics, however, quickly discovered when they were summarily rebuffed or even imprisoned that there remain strict limits to freedom of expression.

Similarly, a degree of competitiveness has been introduced into elections in the country’s 700,000 villages and at least 2,000 of its townships. More than 40,000 independent candidates ran for people’s congresses in 2006-07 (most of them lost!), and multiple candidates have stood for some positions within the Chinese Community Party.<sup>18</sup> These are modest reforms, however, that hardly signal a massive shift toward democracy.

In fact, what China’s leaders mean by democracy (a greater voice for the people about local concerns or consultation with outside experts before major new policies are instituted) is considerably different from what that term means in the West. They do not, for example, mean an unencumbered free press and civil society or the possibility that the communist party might ever lose power. Judicial reform and greater oversight of public officials have been introduced over the past few years but often only as a means to offset potential unrest and hence maintain central power.<sup>19</sup>

Despite these restrictions, the Chinese people seem generally satisfied with their national government and less supportive of Western-style democracy than most other populations in Asia.<sup>20</sup> Partly this is a result of economic contentment bred by increasing prosperity, at least among the urban elite. Contrary to the theory that a rising middle class will demand greater political freedoms, many members of the new Chinese middle class express little interest in politics or prefer stability to rapid democratization.<sup>21</sup> As one graduate student in environmental engineering put it: “Do you live on democracy? You eat bread, you drink coffee. All of these are not brought by democracy. If democracy can really give you the good life, that’s good. But, without democracy, if we can still have the good life, why should we choose democracy?”<sup>22</sup>

In addition, China’s government has successfully utilized several potential crises, such as the 2008 street actions in Tibet and international protests of the Olympics, to fire nationalistic fervor against both Western governments and media. This easily-stimulated suspicion of the West has deep roots, going back to Chinese defeat in the Opium Wars of the mid-19th century, and is but the flip side of long-entrenched feelings of victimization and humiliation that are reflected in China’s frequent reference to how criticisms of its human rights practices “hurt the feelings” of the Chinese people. Relying on what one historian has called “the moral authority of [the Chinese people’s] past suffering” allows the government to leverage the presumed threat posed by outsiders to promote a “harmonious society” inside China.<sup>23</sup>

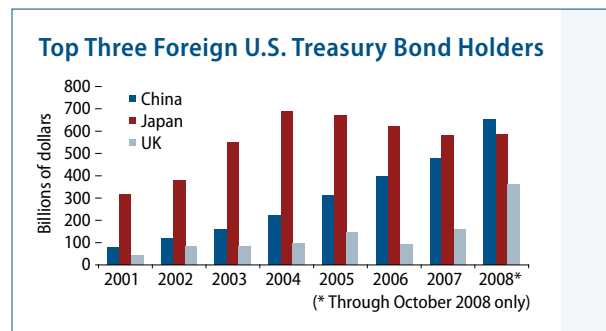
In the international arena, there are some signs that China can be persuaded to see its own interests as congruent with those of the West. In 2006, China voted for U.N. Security Council Resolution 1696, which demanded that Iran suspend its nuclear enrichment activities. The next year, China played a key part in convincing North Korea to return to the negotiating table and agree to disable its main reactor. Beijing also supported the introduction of U.N.-African Union peacekeepers in Darfur, Sudan, and sent an envoy to Khartoum to encourage its erstwhile ally to accept such a force.<sup>24</sup> And more recently, it has agreed to join the naval patrols in the Gulf of Aden designed to protect shipping lanes from piracy.<sup>25</sup>

None of this should be interpreted, however, as reflecting a newfound commitment to the promotion of democracy and human rights. China has obvious security interests in preventing Iran and North Korea from becoming nuclear powers and stopping piracy. China's gentle pressure on Sudan belies continuing support, both political and economic, that serves to prop up the regime in Khartoum, while in its own backyard, China has vetoed punitive U.N. resolutions on Myanmar and done all it could to protect the Burmese generals from a dreaded "color revolution."

More methodically, Beijing has supported the transformation of the Shanghai Cooperation Organization—comprising China, Russia, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan—from an organization founded primarily to address trade issues and border disputes among China, Russia and "the Stans" into a security-focused organization designed to preserve authoritarian governments in the region. The SCO is emerging as a counterweight to the democracy-led Organization for Security and Cooperation in Europe and as a vehicle to assist China in its attempt to control those it regards as Uighur "terrorists" (separatists) in Xinjiang autonomous region.<sup>26</sup> China also has used its seat on the U.N. Human Rights Council to try to weaken the international human rights regimen, attempting, for example, to limit the work of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, who is charged with investigating these violations of the right to life.

The United States today finds itself in an unfortunate position when it comes to promoting democracy and human rights in China and combating China's anti-democratic efforts around the globe. For one thing, the United States' own human rights record has been badly damaged by the Bush administration's "war on terror"-related practices, making it harder to hold Beijing responsible for torture or violations of due process, particularly against those whom China considers "terrorists."<sup>27</sup>

Then there is the current global economic crisis, which has diminished America's credibility and tarnished the reputation of the world's leading proponent of free market-led democratic reforms. Moreover, the United States maintains a record \$224 billion trade deficit with China—the largest with any country—and China is the largest holder of U.S.



Source: Department of Treasury and the Federal Reserve Board, *Major Foreign Holders of Treasury Securities* (August 15 and December 15, 2008).



## Tibet and Xinjiang Autonomous Regions

### Tibet

Located in southwest China, the Tibet Autonomous Region is home to 5.4 million people, many of whom are ethnic Tibetans and practicing Buddhists.

### Xinjiang

Xinjiang, located in western China, is home to 20 million people and many different ethnic and religious groups, including the Uighurs and other Muslim Turkic populations with cultural ties to Central Asia.

Treasuries, making the two nations highly interdependent economically.<sup>28</sup> As the President of the China Investment Corporation advised the United States recently, you should “be nice to the countries that lend you money.”<sup>29</sup>

Indeed, China is courting the developing world assiduously with trade and investment. Its “Chinese model” of economic growth without democracy, in which financial aid and investment are provided without the kinds of corresponding reform promoted, for example, by the World Bank or the Millennium Challenge Grants,<sup>30</sup> makes it an appealing partner to other non-democratic regimes.<sup>31</sup>

In addition, China has taken the U.N. processes far more seriously than the United States. China sends highly skilled diplomats to the U.N. Human Rights Council at a time when Washington has not only refused to stand for election to the Council but even withdrawn its observers. Having failed to ratify key human rights treaties, including establishing the International Criminal Court, and declined to cooperate with some U.N. Special Rapporteurs itself, the United States is in a less-than-ideal position to counter China’s assault upon human rights principles in international forums.

Nor do these points of American weakness take into account the larger uncertainty with regard to the nature of U.S.-China relations. The United States has broad strategic interests with China (North Korea, terrorism, energy security, stability in Asia) that go well beyond issues of persecution of dissidents or denial of religious freedom in China. Where do our priorities lie? Does expending “capital” on human rights put other interests at risk? Or is it possible to still bear witness to our human rights values while maintaining fundamentally good relations with China? And if so, how? To this we now turn.

# The Principles Behind the Policies

The key to U.S. efforts to promote human rights in China is to take a pragmatic, non-ideological approach that goes beyond easy rhetoric, taking advantage of strategic openings yet recognizing the value of persistence. Ultimately, China must be persuaded that greater democracy and human rights are in its own best interests, integral to its becoming the highly respected global leader it aspires to be. Here, then, are a set of principles or operating assumptions that should guide U.S. human rights policy toward China.

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## Calibrate our strategy to China's unique circumstances

The same human rights standards apply to every country in the world. Under international law, torture is torture whether it is committed in Lhasa or Abu Ghraib, and it must be condemned. But smart strategists always take into account the relative strengths and weaknesses of their targets and calibrate their strategies accordingly. It is savvy, not hypocritical, to take a different approach to bringing about improved human rights in a nuclear power with worldwide economic clout such as China than we do in a Belarus or Sudan.

Saber-rattling or global economic sanctions are not feasible with China. Harsh public attacks detached from concrete consequences have repeatedly proven counter-productive. And doing nothing while hoping for the best—relying upon economic growth to bring about human rights enlightenment—has not gotten us very far. Whatever human rights strategy we pursue must be sophisticated, not ham-handed, taking into account the host of other issues about which China and the United States are engaged with one another.

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## Employ separate strategies to promote democracy and human rights

The United States should seek to promote both increased democracy and greater respect for human rights in China because the two are self-evidently related, yet not to differentiate strategies in these two areas may, paradoxically, end up weakening both. By conflating the two in our own minds and, even more importantly, in the minds of the Chinese, we may unnecessarily miss opportunities to advance one cause or the other.

Ultimately, China must be persuaded that greater democracy and human rights are in its own best interests, integral to its becoming the highly respected global leader it aspires to be.

One could imagine, for example, that China could experience a decline in the use of torture even in the absence of the introduction of free, competitive elections. Conversely, China could allow greater democratic participation by its citizens yet fail to rescind the death penalty for, say, corruption cases, because of the popularity of these harsh measures among everyday Chinese. The United States should therefore develop strategies for both goals that are complementary but not coterminous.

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### A preferential option for carrots over sticks

The United States would be traducing its own values (and, not incidentally, missing an opportunity to impress upon China how its actions are viewed by the outside world) if Washington fails to register its objections to Beijing's serious human rights violations. Naming these violations in the State Department's annual human rights report or making representation on behalf of political prisoners or insuring that human rights are on the agendas of all appropriate bilateral engagements would set a base line against which to measure progress and further fortify international norms. Assuming the Obama administration succeeds in cleaning up America's own human rights record, they will also help reestablish our bona fides as a human rights leader around the world.

But two realities argue for taking an approach based upon positive enticement or reinforcement as frequently as possible. First, carrots tend to work better than sticks with a regime as sensitive about its own prerogatives and status and as keen to be treated as a respected equal as China. Second, we have very few sticks to wield even if we so wanted. The United States has only limited means by which to punish the world's third-largest economy, a country that has a rapidly modernizing military and two-thirds of its \$1.9 trillion in currency reserves invested in U.S. dollars, short of the kind of economic or military confrontation that would be in neither party's best interests.

But this does not mean the United States should never use sticks, some of which are delineated in our set of recommendations beginning on page 21. And it certainly doesn't mean we should fail to establish some "bright lines" beyond which China cannot go without fearing a severe disruption in U.S.-China relations—just as we have with regard to an invasion of Taiwan. If China's leaders were to engage in another Tiananmen Square-type massacre of its own citizens, then the United States would be forced to react or lose all credibility as a human rights leader. But in general, the preferred approach should be to reinforce what China does right. We should encourage its attempts to experiment with competitive elections or expand economic opportunity, and seek positive rather than punitive ways to persuade China to explore new directions.

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## Understanding is not condoning

The first step in persuading national leaders to change their minds is to acknowledge their own perceptions of the world and the fears those perceptions engender. The Chinese government is responsible for the welfare of one-fifth of the world's population. It places an enormous premium on keeping the Chinese people sufficiently satisfied to discourage political upheaval, including its own overthrow. China's leaders seek a fine balance between exploiting nationalist impulses and being overwhelmed by them. They believe, rightly or not, that Tibetan activism threatens China's sovereignty.<sup>32</sup> They fear that the neighboring "Stans" sympathize with minorities under the "Han yoke" and may aid them or allow others to use their territory to aid them.<sup>33</sup> And China's leaders—and the Chinese themselves to some degree—suffer, as we have noted, from a historical sense of insecurity and victimization.

At the same time, China's leaders are very bad at reading how their own actions are perceived by others or at knowing how to "sell" their true accomplishments to the world.<sup>34</sup> To understand this world view is not to agree with it, much less condone the behavior China engages in as a consequence. Nonetheless, understanding China's perceptions and fears is a crucial first step toward helping the country transcend them.<sup>35</sup>

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## Appeal to China's self-interest and connect the dots

Having walked a mile in the Chinese government's shoes, the next step is to frame our argument for improved human rights in ways that appeal to the government's perceived interests. Despite China's having been hailed as embodying a new model of non-democratic capitalism, the jury is still out as to whether such a model can be sustained in the long run. The interdependence of social and economic rights with civil and political is not just a theoretical construct. Without respect for civil and political rights, corruption, inequality and lack of accountability are likely to swamp China's experiment with enhanced economic growth and social welfare.

As political scientists Daniel Deudney and G. John Ikenberry put it recently, "autocracy's deep intrinsic flaws remain an impediment to the realization of the full modern development sought by the people [of China]."<sup>36</sup> The SARS and tainted-milk scandals are but two dramatic examples that point up the advantages of having the media act as a watchdog on corruption. And in other areas, the connection between respect for human rights and China's self-interest are equally obvious. Newly adopted protections against domestic violence and sexual harassment, for example, require police, lawyers and judges well-trained in implementation to be effective. Or consider this: For China to avoid the kind of energy scarcity that could result in the Chinese people competing with themselves for scarce resources inside the country—something that could easily lead to disruption and a breakdown in "harmony"—China's leaders need to see environmental defenders as allies in the quest for stability.

## China's SARS Outbreak

In November 2002, the first outbreak of Severe Acute Respiratory Syndrome surfaced in a southeast province of China. Chinese authorities were slow to respond to the case and completely restricted information about the deadly epidemic, out of fear of public disorder. Five months later, in April 2003, Chinese authorities admitted that the cases of SARS in China were hundreds more than previously reported. By then, the disease had spread around the world, and the World Health Organization reported 3,947 suspected cases of SARS in 25 countries.

China often knows its own internal shortcomings but fears taking steps to address them will unleash forces it cannot control. The job of human rights critics is to encourage the counter-intuitive proposition that, in the face of potential threats to stability, safety valves such as a vibrant civil society and adherence to the rule of law reinforce stability far better than does repression. Thousands of people rioted in Shenzhen recently when an official at a police checkpoint threw a walkie-talkie at a motorcyclist, causing him to crash and die.<sup>37</sup> Were there reputable, trusted mechanisms in place for such grievances to be adjudicated, such a disturbance could well have been avoided.

Similarly, on the international stage, every opportunity should be taken to point out ways in which support by China for repressive regimes does damage to China's interests. Some of that damage is immediate, such as the kidnapping of Chinese oil workers in Sudan or the blockage by African dockworkers of Chinese arms shipments to Zimbabwe. Some of it is more long-term. To take but one example: China itself may have a reasonably strong educational system but in general there is a high correlation between authoritarian regimes and poor educational resources and infrastructures. Chinese businesses, no less than any other country's, need skilled indigenous workers; the common Chinese practice of importing Chinese workers generates resentment in developing countries.<sup>38</sup> For China to align itself with governments that cannot provide their own people with the education and opportunity to perform skilled jobs is to function at cross-purposes with China's own long-term economic interests abroad, to say nothing of the fact that those governments will not last forever, and when their more democratic successors take office, they will hardly look with favor upon their predecessors' protectors.

## China's Milk Scandal

Last year, inspectors in China discovered that infant milk powder and more than 10 percent of liquid milk produced by China's top manufacturers were contaminated by melamine, a nitrogen-rich industrial chemical used in plastics. Chinese authorities, including China's national product safety watchdog, suppressed news of the contamination for at least one month, citing concerns about social stability and embarrassment before the Olympics. At least six babies died and nearly 300,000 were sickened.

Nor does it help China to run roughshod over local laws and interests. Low wages and poor safety standards in Chinese-run operations in the copper belt of Zambia, for example, became an important issue in the 2006 Zambian elections, thus damaging China's reputation. That same year, South Africa's Thabo Mbeki warned China that the dumping of cheap imports had to stop, and South Africa subsequently put quotas on Chinese textiles. Connecting these dots for China's leaders who, once again, often fail to understand how they are perceived by others, will not always be persuasive, but framing arguments in terms of Chinese self-interest is far more likely to gain us a hearing than a relentless barrage of criticism.

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### Globalize pressure to encourage China to play by the world's rules

Given the liabilities the United States currently possesses as an advocate for human rights (see "Setting the Context" section earlier) and the suspicion that "human rights" are merely an American or Western invention, it makes sense for the United States to partner as frequently as possible with other nations and with international institutions such as the United Nations and the European Union but also the African Union, Arab League and the Association of South East Asian Nations, in putting pressure on China to clean up its human rights act.

If China wants to be a respected international leader, its leaders must play by the international community's rules.

The decision by the African dockworkers to block arms shipments to Zimbabwe was invaluable not only substantively but because it sent the message that it was not just the “usual suspects” who were purveying concern. The European Union’s decision to honor Hu Jia, one of China’s best known dissidents, or, even better, the U.N. Committee Against Torture’s recent critical report on abuses in the Chinese legal system, which elicited a howl of protest from the Chinese Foreign Ministry, make it impossible for China to deny the global nature of human rights criticism.<sup>39</sup> China cares deeply what the world community thinks of it and expends significant energy and resources to avoid loss of face. The United States should take advantage of that by encouraging others to take the lead in engaging with China on these issues whenever possible (See Appendix II on page 40 for a sample of reports on China by U.N. human rights agencies.)

The message all those interlocutors should send is fundamentally the same: If China wants to be a respected international leader, its government must play by the international community’s rules. Whether it be the World Trade Organization, the International Labor Organization or the Universal Declaration of Human Rights, the world has sets of rules that it expects everyone, including the most powerful nations, to respect. When they don’t, as the United States has found to its great detriment over the past eight years, they are subject to censure and loss of prestige and credibility.

China cannot expect to overcome the years of “humiliation” it has experienced and command the honor it so desperately craves if it flaunts fundamental norms. “Hurt feelings” are a two-way street. Criticism may be hard to hear, but if it is the world community that is doing the criticizing, then the recipient may need to consider its own behavior as part of the cause. Just as China cannot expect to violate global financial or economic regulations without consequences, so too can it not expect to ignore human rights standards without enduring disapprobation.

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### Seek common ground but take advantage of internal divisions

At first blush, these two recommendations may sound contradictory, but they are not. The first refers to areas in which values and interests between the United States and China may overlap. China, for example, has fairly robust laws regarding disabilities and has ratified the Convention on the Rights of People with Disabilities, but it lags far behind in enforcement of these standards.<sup>40</sup> The U.S. experience in this area may well be useful to the Chinese as it has been in the area of juvenile justice.<sup>41</sup>

Similarly, new bilateral environmental agreements hammered out in the U.S.-China Ten-Year Energy and Environmental Cooperation Framework carry enforcement expectations that can serve as models for other areas in which consistent application of the rule of law is requisite.<sup>42</sup> China is putting pressure on foreign corporations to allow the state-approved union, the All China Federation of Trade Unions, to operate in their Chinese plants and offices.<sup>43</sup> While the ACFTU, the only union the Communist Party allows, has often served

to control workers rather than represent them, this recent push may pose an opportunity to encourage greater accountability by employers, both foreign and local.<sup>44</sup> Holding China accountable to its own laws when those laws meet international standards is often a more productive course than referencing international standards to which it has not yet acquiesced. And building relationships between American and Chinese counterparts—lawyers, legislators, journalists, religious leaders—has proven mutually beneficial in the past.

At the same time, there are issues over which the Chinese themselves are at odds that may present openings for progress. In 2007, for example, the Standing Committee of the National People's Congress considered legislation that would have restricted the use of “re-education through labor” sentencing.<sup>45</sup> The Chinese Communist Party also is divided about the extent to which it should allow an independent press or legal system to function. Encouraging those who are taking a more progressive approach (while seeking to avoid “tainting” them as “stooges” of the West) is likely to be more productive than tackling issues for which there is no discernible constituency in China.

After all, progress was made in the areas of trade and the environment because powerful officials, among them successive Chinese Premiers Zhu Rongji and Wen Jiabao, respectively, championed those causes. Finding officials who take a more open approach to democracy and human rights and offering them recognition and support privately, if not publicly, may be equally rewarding.

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### Ignore the rhetoric, don't be distracted and never give up

Like many authoritarian countries, China employs dramatic rhetoric when it is feeling threatened or being criticized. Its characterization of the Dalai Lama as “a wolf in monk's robes, a devil with a human face but the heart of a beast” is an extreme example, but is emblematic of Chinese leaders' reactions to outside criticism.<sup>46</sup> The best strategy is to keep our focus on the substance of the issue and not allow such language to distract us.

And focus we must. China is responsible for a myriad of human rights violations. Through the U.S. State Department's annual human rights reports, Washington should continue to catalogue the whole range of Chinese abuses, but at any one time, it should be strategically smart about which two or three should receive priority for American pressure. China would like nothing better, for example, than for the United States to expend all its human rights energy on Tibet at the expense of other elements of its record.

Nor should we ever assume that China is utterly intransigent. There are dozens of examples of political pressure making a difference. Some of that successful pressure has come from the outside, witness the prisoner releases that have often preceded state visits. The rules introduced during the 2008 Olympics to allow foreign journalists to travel throughout the country and interview citizens without explicit government permission have now been extended.<sup>47</sup> Similarly, China's decision to accept relief aid, including from its age-old

adversary, Japan, following the May 2008 earthquake had more than pragmatic significance. As one Chinese relief official put it, “This is ...very meaningful politically. It means we’re opening up and merging with international society...We’ve entered the big family of rescue efforts now.”<sup>48</sup>

Nor is it unheard of for China to adjust its foreign policy to assuage international critics, as this paper noted earlier in the cases of Iran and Sudan. Even matters of purely historical significance — something very important to China’s leaders — can end positively. After 46 years China relented and allowed John Leighton Stuart, U.S. Ambassador at the time of the Communist revolution and staunch supporter of the communists’ rivals for power, the Kuomintang, to be re-buried near Shanghai, as per his dying wish!<sup>49</sup>

Some successful pressure is internal. Two months after a newspaper in China, *The Southern Metropolis Daily*, ran an exposé of the network of detention centers designed to control the flow of peasants to the nation’s cities, Premier Wen Jiabao announced the abolition of the system and impending closure of 700 such centers.<sup>50</sup> The thousands of citizen riots we described earlier not infrequently result in ameliorative action.

None of these eight principles in any way suggests the United States should ignore the fundamental stubbornness of China’s posture—it has, for example, restored blocks on access to websites that had been lifted during the Olympics<sup>51</sup>—but rather that China, like every other government, cannot remain utterly immune to pressure from outsiders or, especially, its own citizens. How the United States might best facilitate such pressure is the subject of the next section.

# China Human Rights Policy Recommendations

This section is divided into general policy recommendations to the U.S. government and recommendations related specifically to trade and investment, the Internet, labor issues, trafficking in persons, religious freedom, Tibet and Xinjiang, and influencing China's foreign policy toward other repressive regimes. One of the most important keys to success in U.S. policy toward human rights in China going forward, however, is that the strategy be coherent within the United States itself and coordinated with global allies. Bear this in mind as we detail our specific policy recommendations.

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## General Policy Recommendations

### Create an Interagency Working Group on Human Rights in China

Overall, U.S. policy toward China has reflected a degree of incoherence in part because of a fundamental uncertainty as to whether China is a prospective partner or adversary. When it comes to human rights, however, such incoherence could be mitigated by the creation of an Interagency Working Group on Human Rights in China. This new group could be a subgroup of a larger Interagency Working Group on Human Rights that was created by President Clinton but disbanded by President Bush and should be resurrected and report to the National Security Council.<sup>52</sup>

Currently, U.S. human rights policy toward China is fashioned by a wide variety of Cabinet bureaus and agencies, from the State Department's China desk and human rights bureau to the Department of Homeland Security's Immigration and Customs Enforcement office to the U.S. Commission on International Religious Freedom, with many more in between, including, of course, Congress. An Interagency Working Group on Human Rights in China, which should include a congressional liaison, could help resolve conflicts and competing interests among these entities and facilitate the presentation of a united face to China.

## Conduct a regular bilateral dialogue on human rights, set benchmarks and coordinate with allies

The United States and China resumed a bilateral human rights dialogue following the upheaval in Tibet in May 2008 and in the run-up to the Beijing Olympics. The resumption marked an about-face for the Bush administration, which had halted the talks in December 2002 because it regarded them as ineffective. The Obama administration should push for continuation of the dialogue on a regular basis but also establish benchmarks for success and reevaluate the effectiveness of the dialogue at regular intervals so that China cannot use the process to “run out the clock” on meaningful human rights change.

The United States also should invite meaningful input from non-governmental organizations into the dialogue process, and should not allow the preservation of the dialogue to preclude public criticism of China’s human rights record. In addition, the United States should coordinate its approach with its allies, especially (but not exclusively) the European Union, which has been engaged in its own human rights dialogue with China for more than 10 years.<sup>53</sup> Washington should explore with its allies the resurrection of the so-called Bern Process or something like it in order to help “re-globalize” the approach to human rights in China.<sup>54</sup>



Chinese peacekeepers prepare to depart for their United Nations mission to Sudan from an airport in Zhengzhou in Central China’s Henan province, Tuesday, Jan. 16, 2007.

## Use the United Nations to the fullest extent possible

The absence of the United States from the U.N. Human Rights Council limits our ability to utilize that forum—China is scheduled for its Universal Periodic Review in early 2009<sup>55</sup>— to globalize protest of China’s policies and to restrain China’s efforts to promote regressive international human rights standards. Our absence from the Council has not served our national interest in promoting human rights and has strengthened China’s ability to change the terms of the debate. Despite the many failures of the Council, the United States should stand for election to it and encourage use of the other U.N. mechanisms, such as the Treaty Bodies and Special Procedures, to advance human rights in China.

## Increase U.S. funding for governance, civil society and other such initiatives

U.S. government funding for human rights programs in China declined to \$15 million in fiscal year 2008 from \$23 million in FY 2007. In the face of the economic crisis and pressure to downplay human rights problems in China in favor of other bilateral interests, there may be a temptation to cut these funding levels even further. Such a temptation should be strongly resisted and, if anything, these levels should be increased.

Given the relative dearth of other vehicles through which to influence “facts on the ground” in China, these programs—especially those that involve partnerships with civil society groups and training of lawyers, investigative journalists, labor leaders and police—are among our most effective means of advancing change in China. To take just one example, the American Bar Association’s Rule of Law Initiative in China works closely with the All China Lawyers Association, judges’ associations, local Chinese bar associations, police, NGOs, law schools and legal aid providers on a wide variety of projects, from trial demonstrations to model criminal justice system reforms to trainings in protection of the rights of migrants to enforcement of sexual harassment laws and clean environment standards.<sup>56</sup>

The 2008 Annual Report of the Congressional-Executive Commission on China contains excellent suggestions for initiatives deserving of funding, such as training in collective bargaining or support for non-government organizations that train legal officials in women’s issues.<sup>57</sup>

### Encourage U.S. nongovernmental funders of democracy and human rights initiatives in China to develop a coordinated funding strategy

In addition to U.S. government funding of democracy and human rights programs in China, private entities underwrite such projects. Forty-four businesses, for example, support the U.S.-China Legal Cooperation Fund to strengthen rule of law in China,<sup>58</sup> and the Ford Foundation has invested about \$220 million in Chinese legal reform and training since 1998.<sup>59</sup> Many religious groups also maintain contact with their counterparts in China, sometimes providing lifelines to those under duress from government harassment, as do labor and environmental groups. These efforts could be strengthened if they were part of a coherent overall strategy. Such a strategy should not be devised under the auspices of the U.S. government, which might appear to compromise the groups’ independence, but efforts to devise such a strategy should be encouraged by the U.S. government. Private and government efforts can reinforce each other if their funding and approaches are congruent.

### Provide “sister cities” resources to promote democracy and human rights

Among the most formal and widespread government-to-government contacts are the 127 sister-city relations now maintained between U.S. and Chinese cities (see Appendix III on page 43 for a complete list of U.S.-China sister city relationships). The U.S. government should provide local American officials with guidance and resources in how best to encourage democracy and respect for human rights at the local level in China. Local U.S. officials could raise questions about human rights in bilateral meetings and share experiences in such areas as the handling of dissent and resolution of grievances.

## Raise specific human rights concerns in all appropriate bilateral contexts

The fact that “quiet diplomacy” is not a sufficient response to China’s human rights violations does not mean that diplomatic entreaties should be abandoned as they have sometimes reaped benefits. The key is to introduce them consistently in all appropriate contexts rather than on a one-off basis.

Human rights priorities should be established, perhaps by our proposed Interagency Working Group on Human Rights in China with input from NGOs and others, and those engaged in bilateral talks briefed about those priorities and how best to introduce them in the consultations. Nor should the United States underestimate the importance of the U.S. President himself, especially one who carries the kind of worldwide admiration the new President does, bringing his stature and eloquence to bear on the human rights situation in China in carefully chosen venues at particularly auspicious times.

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## Trade and Investment

Given the economic interdependence of the United States and China and the degree to which trade and investment define the U.S.-China relationship, economic relations present one of the most important, if complex, vehicles through which to advance human rights. The U.S. government in the past has failed to use trade and investment carrots and sticks wisely or effectively, shifting back and forth between heavyhanded and hands-off policies, neither of which did the trick. A more targeted approach is required.

## Utilize bilateral dialogues to encourage the rule of law

The United States and China engage in a variety of bilateral dialogues, including the U.S.-China Strategic Economic Dialogue, out of which emerged the Ten Year Energy and Environment Cooperation Framework. The U.S.-China Strategic Dialogue on security matters is another such undertaking. Human rights are not the principal focus of these conversations, but a wide variety of officials from many corners of the government participate in them. In 2008, the U.S.-China Strategic Economic Dialogue included the head of the Environmental Protection Agency and the Secretaries of Labor and Health and Human Services, for instance.<sup>60</sup>

These regularly scheduled bilateral meetings provide opportunities to reinforce the importance of enforcement mechanisms and of adherence to international standards and the rule of law, all of which provide models and analogies for enforcement of and adherence to international human rights laws and norms. Moreover, many financial interests of the United States, such as protection of intellectual property or fair enforcement of contracts, require a robust, independent legal system. There is no reason human rights cannot be championed alongside the United States’ economic, security and environmental interests.

## Address labor standards through WTO and ILO agreements

Including provisions pertaining to labor standards in World Trade Organization rules and disciplines could serve as an incentive for member nations, including China, which has been a member of the WTO since December 2001, to improve their labor records while at the same time helping stem the unfair advantages afforded to the exports of countries that keep their labor standards low. The International Labor Organization and the WTO have worked together on technical issues pertaining to the employment impact of trade policies. The United States should encourage further collaboration between them around labor standards with an eye toward including such provisions in future WTO agreements.

## Review applicability of Ruggie principles to U.S. companies in China

The Special Representative of the U.N. Secretary General on Transnational Corporations and Human Rights, John Ruggie, has outlined in a series of reports to the U.N. Human Rights Council the responsibilities, legal and otherwise, that corporations have to promote and protect human rights.<sup>61</sup> These principles include the responsibility to assess the human rights impact of business enterprises; to avoid complicity in human rights crimes; to protect employees from governmental harassment, etc.

Congress and the Obama administration should review these reports to determine the extent to which U.S. corporations are adhering to these standards and, if necessary, to take remedial action. These could include, for example, the creation of audit controls of foreign direct investments in China and restrictions on stakeholders of companies engaged in violations of human rights.



Workers assemble toys at the production line of Dongguan Da Lang Wealthwise Plastic Factory in Dongguan, China in this Sept. 4, 2007 file photo.

## Recognize “good corporate citizens” in China

Conversely, the U.S. government should seek ways to recognize and celebrate those American corporations doing business in China that demonstrate responsible human rights practices in the treatment of their workers, support for labor rights and generosity to Chinese NGOs. Such recognition could take the form of public acknowledgment by high-level officials and awards ceremonies.

## Review export control list for China and update enforcement mechanisms

In 2006-07, the U.S. Department of Commerce reviewed U.S. export controls on items banned for export to China under the so-called “Tiananmen sanctions” enacted after the massacre in Beijing several decades ago.<sup>62</sup> The new report did not focus on banned equip-

ment related to law enforcement and crime control. Instead, Commerce folded the review of applications for such equipment into a new Validated End-User program for China, which would allow qualified Chinese companies to receive eligible items that now require an export control licence without obtaining one.<sup>63</sup>

Questions remain as well about which export goods strengthen law enforcement even if that is not their primary purpose, such as network routers used by the Ministry of Public Security to control Internet access. The Obama administration should review the 2006-07 Commerce Department report, clarify the issue of what constitutes law enforcement equipment and update the restrictions and their enforcement accordingly.

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## The Internet



Chinese lawyer Liu Xiaoyuan talks about his missing Internet blog postings at his office in Beijing, Friday, Oct. 12, 2007.

The Internet is one of the most promising vehicles through which to advance knowledge about human rights in China and efforts to organize to seek their promotion. China has tried assiduously to control content and access to the Internet in order to quell dissent. The United States should be equally forceful in promoting the Internet as a forum for democracy and human rights.

### Work with Congress to review the Global Network Initiative in two years

Information and Communications Technology companies have recently entered into a voluntary agreement called the Global Network Initiative, which is designed to provide guidance to those companies on how to meet their “responsibility to respect and protect the freedom of expression and privacy rights of their users.”<sup>64</sup> This Initiative commits companies to employ human rights impact assessments, create human rights teams, and resist and restrict government demands that infringe upon human rights.

This is, of course, directly relevant to China’s attempts to restrict access to electronic technology and utilize information communications technology resources and companies to track and control dissent. Congress should review the industry’s implementation of this Initiative in two years and, if it is not satisfied, should consider legislation that would mandate adherence of these companies to human rights standards.

## Provide financial support to those seeking to breach the “firewall”

Internet users in China can often find ways to crack the government’s “firewall”—proxy servers and virtual private networks allow average citizens with basic understanding of the Internet and technology to access information that would be openly available if they were searching from other countries, like the United States or France—but many are not aware of these options or lack either the skill or the patience to utilize them. The United States could fund campaigns to propagate information and tools that facilitate the Chinese people’s access to information that would be publicly available in other countries.

Moreover, skilled “hacktivists” in the United States and elsewhere are constantly inventing software and tactics to make it easier for ordinary Chinese to beat the system.<sup>65</sup> Just as the United States supported efforts during the Cold War to break down the Iron Curtain’s control of information flow, principally through use of radio and short-wave, so it should support those private “entrepreneurs” who are trying to open electronic information channels for the average Chinese, mindful of the dangers that such tools can be employed for nefarious purposes as well.

## Post Chinese language information so Chinese citizens can utilize Open Government Information regulations

In May 2008, China’s first national Open Government Information regulations went into effect, requiring agencies at all level of government to disclose “vital” information to the public. Thus far those requirements have often been honored in the breach, but they provide an opening for Chinese citizens and NGOs to gain greater access to vital information. The U.S. government should support efforts to supply Chinese-language instruction via the Internet and other outlets in how Chinese citizens might utilize the OGI provisions.

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## Labor

Labor disputes are intensifying in China just as new labor-related laws have been adopted to help individual workers protect themselves in the marketplace.<sup>66</sup> Now may therefore be an opportune time to advance the rights of workers. The United States can do so through international organizations and on a bilateral basis, bearing in mind the need to handle such efforts with diplomatic dexterity.

## Increase funding for the ILO and its projects in China

The International Labor Organization is one of the most promising vehicles through which to negotiate labor standards and help build national capacity to improve implementation and monitoring of those standards. China has been a member of the ILO since 1919 and has ratified four of the eight core conventions. The ILO maintains an office in China and has undertaken a variety of projects there, working with the All China Federation of Trade Unions, for example, on HIV/AIDS in the Workplace, and with the All China Women's Federation on trafficking and labor exploitation.<sup>67</sup>

Moreover, the ILO's tripartite structure consisting of representation from government, employers and workers' groups provides a context within which to advance the issue of labor standards in both the private and public sectors. The United States should therefore increase its financial support for the ILO as a whole as well as for targeted programs that the ILO undertakes in China to help improve labor standards there. Specifically, the United States needs to support the seven priorities the ILO and China have agreed to, including promoting international labor standards, strengthening social protection and improving labor dispute resolutions. The United States should help ensure that the ILO, together with China, closes prevailing gaps in Decent Work, including commitments to freedom of association, the formation of independent labor unions and genuine social dialogue.

## Strengthen enforcement of Memorandum of Understanding on prison labor imports

In 1992, the United States and China signed an MOU prohibiting trade in prison labor products and authorizing Immigration and Customs Enforcement officials to inspect Chinese prison facilities to verify that Chinese prisoners were not making products for import into the United States. In general, however, this agreement has not been enforced because the U.S. immigration service has insufficient resources and authority in China to conduct the necessary inspections and because China has delayed or obstructed U.S. requests for investigations. As a result, at least 72 different products or product categories continue to be made in the prison camps,<sup>68</sup> including railway and auto parts, garments, microwave ovens and carpets, to name just a few.<sup>69</sup>

Enforcement of the MOU should be revived through such means as requiring U.S. importers to certify that goods were not made with prison labor and blocking imports from facilities where U.S. inspectors were not allowed access. If that does not happen successfully within one year, then the MOU should be modified or even be revoked in order that it not provide false diplomatic cover for China.

## Core Conventions of the U.N. International Labor Organization

### Freedom of Association and Collective Bargaining

<b>Convention No. 87</b>	Freedom of Association and Protection of the Right to Organize	1948	Not ratified by China
<b>Convention No. 98</b>	Right to Organize and Collective Bargaining	1949	Not ratified by China

### Elimination of Forced Labor and Compulsory Labor

<b>Convention No. 29</b>	Forced Labor	1930	Not ratified by China
<b>Convention No. 105</b>	Abolition of Forced Labor Convention	1957	Not ratified by China

### Elimination of Discrimination in respect of Employment and Occupation

<b>Convention No. 100</b>	Equal Remuneration Convention	1951	Ratified by China in 1990
<b>Convention No. 111</b>	Discrimination (Employment and Occupation) Convention	1958	Ratified by China in 2006

### Abolition of Child Labor

<b>Convention No. 138</b>	Minimum Age Convention	1973	Ratified by China in 1999
<b>Convention No. 182</b>	Worst Forms of Child Labor Convention	1999	Ratified by China in 2002

According to the ILO, these eight conventions, adopted by the General Conference of the ILO on the years specified above, are fundamental to the achievement of basic human rights and decent work, especially in a world labor market that is increasingly buffeted by the challenges of globalization. The standards spelled out in these conventions, including freedom of association and freedom from forced labor, child labor, and discrimination at work, form the basis on which all other workers' rights can be built.

Source: International Labor Organization

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## Trafficking in Persons

The ILO estimates that 10,000 to 20,000 people are trafficked internally every year in China for forced labor, sexual exploitation, and forced marriage. In addition, China's Ministry of Public Security documented 3,000 cases of cross-border trafficking in 2007.<sup>70</sup> Ninety percent of these victims are women or children. More astonishingly, 70 percent to 80 percent of undocumented North Korean women in China become victims of trafficking.<sup>71</sup>

The Chinese government wants to reduce this problem, as evidenced by its National Plan of Action on Combating Trafficking in Women and Children, issued in December 2007. This presents an opportunity for collaboration with the United States.

### Encourage China to sign the TIP Protocol and follow international standards

China is reportedly "considering" signing the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, known as the TIP Protocol, which supplements the U.N. Convention Against Transnational Organized Crime. But Beijing has not yet done so. Furthermore, China's definition of trafficking is narrow, focusing on the abduction and selling of women and children, whereas international standards encompass much broader crimes such as recruitment, transportation and transfer by means of fraud, deception, the giving of payments, etc.

The U.S. government should do all it can to encourage Chinese adoption of the TIP Protocol and legal definitions that are consistent with international standards. In addition, Congress and the Obama administration should review the recommendations of the Action Group to End Human Trafficking and Modern-Day Slavery. The Action Group, a consortium of organizations dedicated to abolishing slavery and human trafficking, has submitted a series of recommendations to the new administration that should be reviewed to determine which ones are particularly germane to China and can therefore enhance anti-trafficking efforts there.<sup>72</sup>

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## Religious Freedom

The International Religious Freedom Act makes advocacy for free religious expression and an end to persecution a top priority of the U.S. government. Restrictions on religious freedom not only curtail religious expression but are often used to accomplish larger political purposes as well, as was the case in fall of 2008 when strict prohibitions on various Muslim practices during Ramadan were introduced in Xinjiang as part of a broader security crackdown.<sup>73</sup> Falun Gong practitioners and communicants of "unofficial" Catholic and Protestant churches are often subject to harassment and even imprisonment.

## Implement recommendations of the U.S. Commission on International Religious Freedom

The Commission has long listed China as a Country of Particular Concern with regard to violations of religious freedom and issued a set of recommendations to respond to those violations, but many of them, such as prohibiting U.S. companies doing business in China from engaging in practices that would constitute or facilitate violations of religious freedom or increasing radio broadcasts in the Uighur language, have gone unimplemented.<sup>74</sup> The recommendations of the Commission should be reviewed by Congress and the Obama administration and a determination made as to which are most feasible and how they should be enacted.

## Review enforcement mechanisms to see which can best be applied to China

The International Religious Freedom Act delineated a variety of steps that could be taken against violators of religious freedom, including, for example, denying visas to individuals responsible for such violations. Other legislation, such as the International Financial Institutions Act, regarding U.S. votes at the International Fund and World Bank, were amended to include specific reference to religious freedom, but these vehicles are rarely, if ever, been invoked.<sup>75</sup> The new administration and Congress should review these options to decide which would most effectively advance religious freedom in China.

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## Tibet and Xinjiang

No more emotional issue divides the United States and China than the status of Tibet and the treatment of Tibetans. Serious as they are, Chinese abuses of Uighurs in Xinjiang have received only a modest amount of attention. The United States needs to work with its international allies and directly with China to address both issues.

## Collaborate with the EU to advance the China-Tibetan dialogue

The conflict over Tibet is so volatile that it cries out for a multilateral strategy. Given the European Union's interest in this issue, the United States should actively engage its European (and other appropriate) human rights allies in determining how best to advance respect for the rights of Tibetans. In light of the recent reaffirmation of nonviolence by the Tibetan community and the Dalai Lama's advancing age, the time may be right to increase pressure on the Chinese to take advantage of the current Dalai Lama's reasonable approach before a more intransigent Tibetan leadership comes to power.

## Meet with the Dalai Lama as strategically useful

U.S. leadership should continue to be open to face-to-face meetings with the Dalai Lama but should choose the occasions for those meetings strategically and in a way that advances a larger agenda rather than merely provokes a response of outrage from the Chinese.



U.S. Undersecretary of State Paula Dobriansky, left, walk with the Dalai Lama to their meeting, Monday, April 21, 2008, in Ann Arbor, Mich.

### Keep on the table the opening of a U.S. consulate in Tibet

The Tibet Policy Act of 2003 commits the United States to open a diplomatic office in Lhasa, Tibet, and many Congressional leaders, including Vice President-Elect Joseph Biden as recently as May 2008, have called for the establishment of a consulate there. The Chinese have, not surprisingly, rejected the idea, but it should remain on the table as a bargaining chip, at the very least.

### Elevate attention to abuses directed at Uighurs

The U.S. government should assertively discourage the Chinese government's efforts to justify sweeping human rights abuses against Uighurs in the name of "counter-terrorism." Specific measures that could be taken include stepping up mechanisms to monitor abuses suffered by the Uighurs in China through the appointment, for example, of a Special Envoy or Special Coordinator for Uighur Affairs, as suggested in draft 1997 legislation.

The U.S. government could also facilitate visits of congressional and State Department delegations to Xinjiang, and ensure that unjustified Chinese government allegations of terrorism do not hinder the freedom and rights of Uighurs outside China. The United States, for example, should not rely on Chinese-provided intelligence to impose travel restrictions to the United States on Uighurs who are citizens of European countries.

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## Foreign Policy

As we have described earlier in this paper, China's support for repressive regimes around the world is at odds with U.S. interests and values, nowhere perhaps more dramatically than in Darfur, Sudan, but also in other countries in Africa, in Myanmar, and in Central Asia. The United States needs to step up international and bilateral pressure on China to embrace the merits of democratic reform abroad.

## Engage the Chinese government at the highest levels about Darfur

Engagement with the Chinese around Darfur needs, of course, to be part of a larger strategy that the new administration should implement to end the crimes against humanity going on there. But a key part of that strategy needs to be making clear to China at the highest levels that their cooperation is of the utmost importance to the United States and will further positive U.S.-Chinese relations.



In this photo released by China's Xinhua News Agency, Sudanese President Omar al-Bashir, right, meets with Liu Guijin, left, special representative of the Chinese government for Darfur, in Khartoum, capital of Sudan, on Thursday, Jan. 8, 2009.

## Appoint U.S. embassy officials to track the impact of China's foreign policy on human rights abroad

The United States has often been reactive to Chinese initiatives overseas as they affect human rights, responding to pressure from advocacy groups on Darfur or Myanmar, for example. As China expands its reach around the world, more and more U.S. embassies are finding themselves dealing with the implications of that expansion. American officials need to know how to respond in ways that maximize a positive influence on human rights.

Developing greater in-house expertise that regularly monitors developments bearing on human rights will allow for a more proactive approach, including addressing issues privately with the Chinese before they become hot-button public disputes.

Consequently, we recommend that officials be designated in key U.S. embassies in Africa, Southeast Asia and Central Asia to handle this important task and, as appropriate, to brief other U. S. officials on China's human rights record at home and abroad as it relates to U.S. foreign policy.

## Monitor Shanghai Cooperation Organization on human rights in Central Asia

The Shanghai Cooperation Organization was originally designed to address trade and boundary dispute issues in Central Asia but has more recently become a vehicle for maintaining authoritarian governments in power and controlling those whom the Chinese regard as Uighur separatists. The United States should monitor the activities of the SCO more closely and utilize both bilateral venues and multilateral forums such as the Organization for Security and Cooperation in Europe to protest activity by the SCO that it regards as deleterious to democracy or human rights.

## Chinese Assistance to Authoritarian Regimes

China has impeded efforts by the U.N. Security Council Sanctions Committees, the U.S. Treasury, and the international community to impose arms embargoes, ban travel, and freeze the assets of authoritarian states responsible for widespread human rights abuses.

Specifically, according to the Congressional Research Service Report for Congress, “Comparing Global Influence: China’s and U.S. Diplomacy, Foreign Aid, Trade, and Investment in the Developing World,” foreign assistance from China is uniquely appealing to the leaders of authoritarian regimes for the following reasons:

- China offers assistance without the conditions that Western donors frequently place on aid, such as democratic reform, market opening, and environmental protection. China’s policy of “non-interference in other countries’ domestic affairs” often wins international support because it is regarded as respectful of other countries’ sovereignty.
- Chinese aid does not require a lengthy process involving setting up and meeting social and environmental safeguards.
- PRC assistance, often announced at lavish receptions with toasts to the recipient country’s leaders, carries great symbolic value.
- Many Chinese aid projects, such as government buildings, infrastructure, hospitals, and energy facilities, often funded by loans from the China Import-Export Bank and built by Chinese companies, are high-profile efforts with tangible benefits and serve as constant reminders of China’s beneficence.
- Some Chinese aid and investment projects reportedly tackle challenging projects that other aid donors have avoided because of technical difficulties or hardships.

### Sudan

**International sanction standards:** The U.N. Security Council has passed several sanctions resolutions on Sudan from 2004-2008. The United States placed rigorous sanctions against oil companies run by the Sudanese government in 2007.<sup>8</sup>

**China’s opposition to sanctions:** China, along with Russia, has worked continually to thwart Security Council efforts to impose sanctions on Khartoum. In 2007, China joined Sudan, the African Union, the Arab League, Egypt, and Russia to decry Bush’s unilateral sanctions in Sudan.<sup>9</sup>

#### **China’s ongoing economic relations with Sudan:**

##### ***Chinese direct investment in Sudan (cumulative stocks):***

- 2004: \$171.6 million
- 2005: \$351.5 million
- 2006: \$497.1 million

##### ***China-Sudan trade in 2007:***

- China imports of mineral fuel and oil from Sudan: \$4 billion
- China exports to Sudan: \$1.6 billion

##### ***Other economic support includes:***

- 2007: Beijing gave Khartoum a \$13 million interest-free loan for the construction of a new presidential palace
- 2007: China imported \$25 billion worth of crude oil from Africa, primarily Angola, Sudan, and Congo.

2002-2005: China was the largest reported supplier of military weapons and small arms to Sudan and provided technical assistance to Sudanese weapons factories.

## Myanmar

**International sanction standards:** In 2008, the European Union<sup>4</sup> and the United States<sup>5</sup> tightened existing sanctions against the military dictatorship in Myanmar in response to ongoing violent crackdowns against democratic protests.

**China's opposition to sanctions:** No U.N. Security Council sanction resolutions have been issued against Myanmar because China vetoed a resolution that called for a transition to democracy in January 2007.

### China's ongoing economic relations with Myanmar:

*China has arguably been the largest source of economic assistance to the ruling junta, including:*

- \$3 billion in arms sales via interest-free loans and barter deals
- \$1.4 billion to \$2 billion in weaponry
- Pledges of nearly \$5 billion in loans and resources; \$200 million of which immediately followed the 2003 imposition of U.S. trade sanctions against Myanmar

### China-Myanmar trade in 2007:

- China imports from Myanmar: \$4 million
- China exports to Myanmar: \$1.7 billion

## Iran

**International sanction standards:** The U.N. Security Council has imposed three rounds of sanctions on Iran for refusing to suspend its nuclear activities, most recently in 2008. The U.S. Treasury has banned dealings with Iranian banks.<sup>1</sup>

**China's opposition to sanctions:** While in 2006 China voted to demand that Iran suspend its nuclear enrichment activities, it opposed expanding those sanctions against Iran in 2008.<sup>2</sup>

### China's ongoing economic relations with Iran:

#### China-Iran trade in 2007

- China-Iran trade rose 42 percent in annual terms to \$20.589 billion
- China imports from Iran: \$13.3 billion, almost exclusively Iranian mineral fuel and oil, making Iran the largest Middle Eastern oil exporter to China.
- China exports to Iran: \$7.2 billion, most notably in arms delivery; this is up from less than \$1 billion in 2001.<sup>3</sup>

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#### Primary Sources:

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- Congressional Research Service Report for Congress, "Comparing Global Influence: China's and U.S. Diplomacy, Foreign Aid, Trade, and Investment in the Developing World" (2008).
- Enough Project, "Blowback: How China Torpedoes Its Investments" (2008).



# Conclusion

This year marks not only the advent of a new U.S. administration but also the 20th anniversary of the Tiananmen Square massacres and the 50th anniversary of the flight of the Dalai Lama from Tibet. It is therefore more than an appropriate time to review U.S. human rights policy toward China to find creative ways, some new, some old, some simply resuscitated, to advance our human rights interests. This paper has recommended that we avoid the twin extremes of unmitigated belligerence or “quiet diplomacy” in favor of a realistic assessment of what we can do to promote human rights in China given all our other transcending interests.

Effective human rights work requires two things. First, it requires a tragic sense of history—a recognition that no matter what we do we will never be able to save everyone from misery or suffering. Sometimes, despite its immense power and resources, the U.S. government’s own ability to influence human rights is limited and its willingness to do so in a bold way is compromised by competing interests.

But second, good human rights work requires persistence and a long view, the recognition that human rights have become the lingua franca for much of the world and a ticket of admission to widely honored membership in the international community. The United States, with its plummeting approval ratings around the globe, has learned that the hard way. China too will learn eventually that the best way to avert hurt feelings is to avoid prompting criticism in the first place.

The suggestions of both principles and policies contained in this paper are designed to hasten that day.

# Appendix I

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## Selected Congressional Resolutions

Criticizing China's Human Rights Practices (since 1990-2008)<sup>76</sup>

### 110<sup>TH</sup> CONGRESS

- **H.Res.610:** Expressing the sense of the House of Representatives that the United States Government should take immediate steps to boycott the Summer Olympic Games in Beijing in August 2008 unless the Chinese regime stops engaging in serious human rights abuses against its citizens and stops supporting serious human rights abuses by the Governments of Sudan, Burma, and North Korea against their citizens. *Referred to the House Committee on Foreign Affairs (August 3, 2007)*
- **H.Con.Res.234:** Calling on the Government of the People's Republic of China to respect the human rights of refugees from North Korea. *Received in the Senate and referred to the Committee on Foreign Relations (October 30, 2007)*
- **S.Res.633:** A resolution expressing the sense of the Senate on the deterioration of respect for privacy and human rights in the People's Republic of China before the 2008 Olympic Games in Beijing. *Referred to the Senate Committee on Foreign Relations (September 30, 2008)*
- **H.Res.1370:** Calling on the Government of the People's Republic of China to immediately end abuses of the human rights of its citizens, to cease

repression of Tibetan and Uighur people, and to end its support for the Governments of Sudan and Burma in order to ensure that the Beijing 2008 Olympic Games take place in an atmosphere that honors the Olympic traditions of freedom and openness. *Agreed to in the House, on motion to suspend the rules and agree to the resolution (September 30, 2008)*

### 109<sup>TH</sup> CONGRESS

- **H.Res.57 and S.Res.59:** Urging the European Union to maintain its arms export embargo on the People's Republic of China. *H.Res.57: Agreed to in the House (February 2, 2005); S.Res.59: Referred to the Senate Committee on Foreign Relations (February 17, 2005)*

### 108<sup>TH</sup> CONGRESS

- **S.Res.483:** Expressing the sense of the Senate regarding the detention of Tibetan political prisoners by the Government of the People's Republic of China. *Agreed to in the Senate (December 7, 2004)*

### 106<sup>TH</sup> CONGRESS

- **H.Res.178 and S.Res.103:** Concerning the tenth anniversary of the Tiananmen Square massacre of June 4, 1989, in the People's Republic of China. *H.Res. 178: Agreed to in the House (May 25, 1999); S.Res.103: Agreed to in the Senate (May 27, 1999)*

- **H.R.4444:** To authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People’s Republic of China, and to establish a framework for relations between the United States and the People’s Republic of China.  
**Section 513:** Prohibition Relating to Human Rights Abuses *Became Public Law No: 106-286 (October 10, 2000)*

#### 103<sup>RD</sup> CONGRESS

- **H.R.4590:** Concerning United States efforts to promote respect for internationally recognized human rights in China (“United States China Policy Act of 1994”). *Referred to the Senate Committee on Foreign Relations (August 10, 1994)*

#### 102<sup>ND</sup> CONGRESS

- **S. Con. Res. 19:** A concurrent resolution condemning the People’s Republic of China’s continuing violation of universal human rights principles. *Placed on Senate Legislative Calendar (March 19, 1991)*
- **H.R.2212:** Regarding the extension of most-favored-nation treatment to the products of the People’s Republic of China  
Prohibits the President from recommending the continuation of a waiver of human rights and emigration requirements unless a report is made to Congress indicating that the People’s Republic of China has adopted responsible human rights practices, including: releasing all prisoners of Tiananmen Square, ending restrictions on press freedom, ending religious persecution, ending torture as a practice, and ceasing unfair trade practices. *Passed by the House, failed passage in the Senate over Presidential veto (March 18, 1992)*

- **H.R.5318:** United States-China Act of 1992  
Prohibits the President from recommending the continuation of a waiver of human rights and emigration requirements unless a report is made to Congress focusing on unfair trade practices, religious persecution, and nuclear proliferation. *Failed passage in the Senate over Presidential veto (October 1, 1992)*

#### 101<sup>ST</sup> CONGRESS

- **S.Res.142:** A resolution condemning the brutal use of force by the Government of the People’s Republic of China against unarmed Chinese students and workers demonstrating for democracy. *Agreed to in the Senate (June 6, 1989)*
- **H.R.3743:** Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1990  
Withholds a certain quantity of funds from the International Development Association if these loans will go to the People’s Republic of China; stipulates that all new loans to the PRC will support the process of improving human rights and increasing individual freedoms in China. *Became Public Law No: 101-167 (November 21, 1989)*
- **S.J.Res. 275:** A joint resolution designating May 13, 1990 as the “National Day in Support of Freedom and Human Rights in China and Tibet.” *Became Public Law No: 101-229 (May 23, 1990)*
- **S. 2836 and H.R.5260:** “Support for Democracy and Human Rights in China Act of 1990,” to deny the People’s Republic of China nondiscriminatory (most-favored-nation) trade treatment.  
*S.2836: Referred to the Senate Committee on Finance (July 11, 1990); H.R.5260: Referred to the Subcommittee on International Economic Policy and Trade (July 23, 1990)*

## Appendix II

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### Selected U.N. Human Rights Agency Reports Addressing Issues in China<sup>77</sup>

- U.N. Committee Against Torture: Consideration of Reports Submitted by States Parties Under Article 19 of the convention: “concluding observations of the Committee Against Torture” (CAT/C/CHN/CO/4, 21 November 2008)
- U.N. Human Rights Council: Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, S. James Anaya: “Summary of cases transmitted to Governments and replies received” (A/HRC/9/9/Add.1, 15 August 2008)
- U.N. Human Rights Council: Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy: “Situations in Specific Countries or Territories” (A/HRC/8/4/Add.1, 28 May 2008)
- U.N. Human Rights Council: Report of the Special Rapporteur on the right to education, Vernor Muñoz: “Communications sent to and replies received from Governments” (A/HRC/8/10/Add.1, 13 May 2008)
- U.N. Human Rights Council: Report of the Special Rapporteur on the right to food, Jean Ziegler: “Summary of communications sent and replies received from Governments and other actors” (A/HRC/7/5/Add.1, 5 March 2008)
- U.N. Human Rights Council: Report submitted by the Special Representative of the Secretary-General on the situation of human rights defenders, Hina Jilani: “Summary of cases transmitted to Governments and replies received” (A/HRC/7/28/Add.1, 5 March 2008)
- U.N. Human Rights Council: Report of the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (A/HRC/7/21/Add.1, 5 March 2008)
- U.N. Human Rights Council: Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Miloon Kothari: “Summary of Communications sent and replies received from governments and other actors” (A/HRC/7/16/Add.1, 4 March 2008)
- U.N. Human Rights Council: Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir: “Summary of cases transmitted to Governments and replies received: China” (A/HRC/7/10/Add.1, 28 February 2008)

- U.N. Human Rights Council: Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk: “Communications to and from Governments” (A/HRC/7/6/Add.1, 27 February 2008)
- U.N. Human Rights Council: Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak: “Follow-up to the recommendations made by the Special Rapporteur Visits to Azerbaijan, Cameroon, Chile, China, Colombia, Georgia, Jordan, Kenya, Mexico, Mongolia, Nepal, Pakistan, Russian Federation, Spain, Turkey, Uzbekistan and Venezuela” (A/HRC/7/3/Add.2, 18 February 2008)
- U.N. Committee Against Torture: Fourth Periodic Reports of States Parties Due in 2004: “China” (CAT/C/CHN/4, 27 June 2007)
- U.N. Human Rights Council: Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, Sigma Huda: “Summary of cases transmitted to Governments and replies received” (A/HRC/4/23/Add.1, 30 May 2007)
- U.N. Human Rights Council: Report of the Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living, Miloon Kothari: “Summary of Communications sent and replies received from governments and other actors” (A/HRC/4/18/Add.1, 18 May 2007)
- U.N. Human Rights Council: Report of the Special Representative of the Secretary-General on the situation of human rights defenders, Hina Jilani: “Summary of cases transmitted to Governments and replies received” (A/HRC/4/37/Add.1, 27 March 2007)
- U.N. Human Rights Council: Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Ambeyi Ligabo: “Summary of cases transmitted to Governments and replies received” (A/HRC/4/27/Add.1, 26 March 2007)
- U.N. Commission on Human Rights: Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak: “Summary of information, including individual cases, transmitted to Governments and replies received” (A/HRC/4/33/Add.1, 20 March 2007)
- U.N. Human Rights Council: Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk: “Communications to and from Governments” (A/HRC/4/34/Add.1, 19 March 2007)
- U.N. Human Rights Council: Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak: “Follow-up to the recommendations made by the Special Rapporteur - Visits to Azerbaijan, Cameroon, Chile, China, Colombia, Georgia, Kenya, Mexico, Nepal, Romania, Spain, Turkey, Uzbekistan and Venezuela (Bolivarian Republic of)” (A/HRC/4/33/Add.2, 15 March 2007)
- U.N. Human Rights Council: Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Juan Miguel Petit: “Communications to and from Governments” (A/HRC/4/31/Add.1, 15 March 2007)

- U.N. Human Rights Council: Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism: “Communications with Governments” (A/HRC/4/26/Add.1, 15 March 2007)
- U.N. Human Rights Council: Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston: “Summary of cases transmitted to Government and replies received” (A/HRC/4/20/Add.1, 12 March 2007)
- U.N. Human Rights Council: Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir: “Summary of cases transmitted to Governments and replies received” (A/HRC/4/21/Add.1, 8 March 2007)
- U.N. Human Rights Council: Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt: “Summary of cases transmitted to Governments and replies received” (A/HRC/4/28/Add.1, 23 February 2007)
- U.N. Human Rights Council: Report of the Working Group on Enforced or Involuntary Disappearances (A/HRC/4/41, 25 January 2007)
- U.N. Human Rights Council: Report of the Working Group on Arbitrary Detention (A/HRC/4/40, 9 January 2007)
- U.N. Human Rights Council: Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak: “Mission to China” (E/CN.4/2006/6/Add.6, 10 March 2006)
- U.N. Commission on Human Rights: Report of the Working Group on Arbitrary Detention: “Mission to China” (E/CN.4/2005/6/Add.4, 29 December 2004)

# Appendix III

## Sister-City Relations Maintained Between cities in the U.S. and China<sup>78</sup>

City in China	Sister City in the U.S.	Affiliated Organization
Lanzhou	Albuquerque	Albuquerque Sister Cities Foundation, Inc.
Xishuangbanna	Austin	Austin Sister Cities International
Cixi	Bakersfield	Bakersfield Sister City Project Corp.
Xiamen	Baltimore	Baltimore Sister Cities
Tongxian	Bellevue	City of Bellevue
Haidian District	Berkeley	City of Berkeley
Anshan	Birmingham	Birmingham Sister Cities, Inc.
Chao Yang District	Birmingham	Birmingham Sister Cities, Inc.
Huangshi	Birmingham	Birmingham Sister Cities, Inc.
Hangzhou	Boston	City of Boston
Lhasa	Boulder	Boulder Sister City Alliance
Qufu	Boynton Beach	The Greater Boynton Beach Sister Cities Committee, Inc.
Baoding	Charlotte	Charlotte Sister Cities
Wuxi	Chattanooga	Sister Cities Association of Chattanooga, Inc
Shenyang	Chicago	Chicago Sister Cities International Program
Shanghai	Chicago	Chicago Sister Cities International Program
Liuzhou	Cincinnati	Sister Cities Association of Greater Cincinnati
Qingdao	Columbia	Columbia Sister Cities
Hefei	Columbus	Columbus Sister Cities International, Inc.
Nanning	Commerce City	City of Commerce City
Yanji City	Culver City	Culver City Sister Cities
Qufu	Davis	City of Davis
Kunming	Denver	Denver Sister Cities International
Shijiazhuang	Des Moines	Greater Des Moines Sister City Commission
Tianjin	Fitchburg	City of Fitchburg
Changchun	Flint	Sister Cities of Flint, Inc.
Jiaohe	Folsom	City of Folsom
Leshan	Gilbert	City of Gilbert
Tianjin Port Free Trade Zone	Greenville	Greenville Sister Cities International
Xinzheng	Hays	City of Hays
Zhongshan City	Honolulu City and County	Honolulu City and County
Hainan Island	Honolulu City and County	Honolulu City and County
Shenzhen	Houston	Sister Cities of Houston

Yingkou	Jacksonville	Jacksonville Sister Cities Association
Suzhou	Jacksonville	Jacksonville Sister Cities Association
Shaoxing	Jacksonville	Jacksonville Sister Cities Association
Ningbo	Jacksonville	Jacksonville Sister Cities Association
Taiwan	Juneau	State of Alaska
Heilongjiang Province	Juneau	State of Alaska
Xi'an	Kansas City	Sister City Association of Kansas City, MO, Inc.
Huairou County	Kenosha County	Kenosha County
Yangzhou	Kent	Kent Sister Cities Association
Zibo	Kingsport	City of Kingsport
Chengdu	Knoxville	City of Knoxville
Luoyang	La Crosse	LaCrosse Sister Cities
Sanming	Lansing	Lansing Regional Sister Cities Commission
Chenzhou	Laredo	Laredo International Sister Cities
Zixing City	Laredo	Laredo International Sister Cities
Huludao	Las Vegas	City of Las Vegas
Changchun	Little Rock	Little Rock Sister Cities Commission
Qingdao	Long Beach	Long Beach Sister Cities Inc.
Guangzhou	Los Angeles	Sister Cities of Los Angeles, Inc.
Jiujiang	Louisville	Sister Cities of Louisville
Hainan Province	Maui County	Maui County
Zhongshan City	Maui County	Maui County
Kaiping	Mesa	Sister City Association of Mesa
Qingdao	Miami	Mayor's International Council
Huizhou Municipality	Milpitas	Milpitas Sister Cities Commission
Gianjin	Mobile	Mobile
Heze	Mobile	Mobile
Yangshuo County	Morehead	Morehead Sister Cities, Inc.
Beijing	New York	New York City Global Partners
Xuzhou	Newark	City of Newark
Taizhou	Newport News	Sister Cities of Newport News, Inc.
Guangzhou	Oakland	City of Oakland - Oakland Sister Cities Program
Dalian	Oakland	City of Oakland - Oakland Sister Cities Program
Qingdao	Oakland	City of Oakland - Oakland Sister Cities Program
Chengdu	Oakland	City of Oakland - Oakland Sister Cities Program
Foshan	Oakland	City of Oakland - Oakland Sister Cities Program
Haikou City	Oakland	City of Oakland - Oakland Sister Cities Program
Maoming	Oakland	City of Oakland - Oakland Sister Cities Program
Mianyang	Oakland	City of Oakland - Oakland Sister Cities Program
Nanning	Oakland	City of Oakland - Oakland Sister Cities Program
Pudong	Oakland	City of Oakland - Oakland Sister Cities Program
SongShang	Oakland	City of Oakland - Oakland Sister Cities Program
Tanggu City	Oakland	City of Oakland - Oakland Sister Cities Program
Beihai	Oakland	City of Oakland - Oakland Sister Cities Program
Weifang	Oakland	City of Oakland - Oakland Sister Cities Program
Changping District	Oakland	City of Oakland - Oakland Sister Cities Program
Jingan District	Oakland	City of Oakland - Oakland Sister Cities Program

Jinzhou	Oakland	City of Oakland - Oakland Sister Cities Program
Jurong	Oakland	City of Oakland - Oakland Sister Cities Program
Haikou City	Oklahoma City	Sister Cities International Oklahoma City
Guilin	Orlando	City of Orlando
Xicheng District	Pasadena	Pasadena Sister Cities Committee
Benxi	Peoria	City of Peoria
Tianjin	Philadelphia	City of Philadelphia
Chengdu	Phoenix	Phoenix Sister Cities Commission
Wuhan	Pittsburgh	Greater Pittsburgh Sister Cities Association
Baiyin	Ponca City	City of Ponca City
Suzhou	Portland	Portland Sister Cities
Weifang	Pueblo	City of Pueblo
Quzhou	Red Wing	Red Wing Sister Cities Commission
Zhuhai	Redwood City	Redwood City
Nanhai	Reno	Reno Sister Cities
Zhengzhou	Richmond	Richmond Sister Cities
Fuyang City	Riverbank	City of Riverbank
Jiangmen	Riverside	Intn'l Relations Council of Riverside, Inc.
Lijiang	Roanoke	Roanoke Sister City Committee
Jinan	Sacramento	Sacramento Sister Cities Council
Changsha	Saint Paul	Saint Paul Sister Cities
Yinchuan	Salt Lake City	City of Salt Lake City
Yushu	San Bernardino	City of San Bernardino
Yantai	San Diego	San Diego International Sister Cities Corporation
Shanghai	San Francisco	City of San Francisco
Weihai	Santa Barbara	Santa Barbara Sister Cities
Siming District of Xiamen City	Sarasota	Sarasota Sister Cities Association
Chongqing	Seattle	Seattle Sister Cities Program
Jilin	Spokane	Spokane Sister Cities Association
Nanjing	St. Louis	St. Louis Center International Relations
Jiangdu	Stamford	City of Stamford
Hebei Province	State of Iowa	Iowa Sister States
Taiwan	State of Iowa	Iowa Sister States
Foshan	Stockton	Stockton Sister Cities Assn
Fuzhou	Tacoma	Tacoma Sister Cities Program
Zhenjiang	Tempe	Tempe Sister City Corporation
Qinhuangdao	Toledo	Toledo Sister Cities International
Liupanshui	Tucson	Tucson Sister Cities Association
Beihai	Tulsa	Tulsa Global Alliance
Beijing	Washington	City of Washington, DC
Chongqing (Municipality of)	Washington	City of Washington, DC
Jingzhou	Westchester County	Westchester County Sister Cities
Changshu	Whittier	Whittier Sister City
Kaifeng	Wichita	City of Wichita
Ningbo	Wilmington	Sister Cities of Wilmington, Inc.
Yangpu District	Winston-Salem	Winston-Salem Sister Cities

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