

China/US: Dialogue Needs to Produce Results
By: Human Rights Watch
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(New York) – The United States should use the upcoming human rights dialogue with the Chinese government to demand public and verifiable changes in policies and practices. The changes should include a commitment to hold elections to choose China's leaders.

The annual human rights dialogue is scheduled for July 23 and 24, 2012, in Washington, DC. The talks will take place in the midst of a deteriorating human rights situation in China and in the run-up to the Chinese leadership transition in late 2012.

"The crisis of self-immolations by Tibetans, stalled legal reform, and the latest disingenuous 'human rights action plans,' have been put on the agenda by the US," said Sophie Richardson, China director at Human Rights Watch. "But another round of exchanges, particularly if there is no public discussion of the talks afterward, will allow the Chinese government to say it is engaging on rights issues while putting off necessary reforms that create a country with the rule of law and respect for basic rights."

In recent months, American officials, including the US ambassador to China, Gary Locke, have publicly characterized the human rights environment there as "worsening." Over the past year, the Chinese government has sentenced peaceful critics to lengthy jail terms on charges of subversion, allowed the expansion of an unaccountable and abusive domestic security apparatus, and failed to acknowledge deepening grievances among ethnic minorities.

Rather than investigate and hold the responsible officials accountable for their roles in the July 2011 Wenzhou train crash or May 2008 Sichuan earthquake collapse, the Chinese government has instead chosen to harass and intimidate those seeking accountability. In June, the government published its new National Human Rights Action Plan (2012-2015), which retreats from the previous plan's commitment to the universality of human rights.

During the US-China Strategic and Economic Dialogue in May, the US successfully negotiated the departure to the US of Chen Guangcheng, the legal activist who had sought refuge in the US Embassy in Beijing, and of his family. In a June statement marking the 23rd anniversary of the June 1989 Tiananmen massacre, the US called on the Chinese government to "protect the universal human rights of all its citizens; release those who have been wrongfully detained, prosecuted, incarcerated, forcibly disappeared, or placed under house arrest; and end the ongoing harassment of human rights activists and their families."

Many of the United States' and other governments' past human rights dialogues with China have been largely a rhetorical shell, lacking in accountability, transparency, and clear benchmarks for progress. The Chinese government often points to these dialogues as a human rights "deliverable," an end in itself, or insists that human rights issues can only be discussed in the context of a dialogue. None of the governments that pursue these dialogues with the Chinese government have established benchmarks to ensure meaningful progress.

The US has increasingly diversified the participation of US agencies in the human rights dialogue to take advantage of the many relationships the two countries have in areas such as economics, trade, and defense. The Obama administration could further strengthen US efforts on rights in China by requiring all the government agencies with regular relationships with China to raise relevant rights issues in all meetings and to regularly raise these concerns in public statements, Human Rights Watch said. Those agencies include all the relevant State Department bureaus, the United States Trade Representative, and the Departments of Commerce, Defense, and Justice, among others. Each agency should discuss these issues in media interviews, including with Chinese-language media.

“Ultimately these dialogues’ value is about accountability – primarily trying to hold the Chinese government to account for some of its gross human rights abuses,” Richardson said. “But it’s also about the US being accountable to the constituency shut out of its own government: people in China who are struggling to defend their rights.”

Human Rights Watch also called on the US to express concern publicly about the failure of the Chinese government to respect basic political rights, including the failure to hold elections to choose national leaders. A new president, prime minister, and government are expected to be announced at the end of the current five-year terms of President Hu Jintao and Prime Minister Wen Jiabao in November.

Article 25 of the International Covenant on Civil and Political Rights (ICCPR), which China has signed but has not ratified, states that, “Every citizen shall have the right ... to take part in the conduct of public affairs, directly or through freely chosen representatives [and] to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors...”

“The US and others should be calling into question the legitimacy of a process that ignores the views of more than 1.3 billion Chinese people,” Richardson said. “In countries all over the world the US demands free and fair elections as the price of good relations. It has even imposed sanctions on countries that engage in sham elections. But with China all we ever hear on the subject is silence.”

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