



**Testimony of Phelim Kine, Asia Researcher, Human Rights Watch
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**Committee on Foreign Affairs
Subcommittee on Africa, Global Health and Human Rights**

Chairman Smith, Vice-Chair Fortenberry, and other Distinguished Members of the Committee and Subcommittee.

Human Rights Watch first wishes to thank the Committee on Foreign Affairs for convening this timely hearing. It is a privilege to participate along with such distinguished panelists.

There are three key questions before us today. The first is the nature of the recent sharp spike in repression in China, the second is why it's occurring, and the third is what steps the international community, particularly the United States government, can or should take in response.

The answer to the first question is that since the uprisings began in the Middle East in late 2010 and Chinese President Hu Jintao's state visit to the US in January 2011, the Chinese government has cracked down on dissent in an effort to crush any possible domestic move towards a "Jasmine Revolution."

Since early February, Human Rights Watch has documented the enforced disappearances and arbitrary detention of dozens of lawyers, bloggers, and activists. Those abuses underline how the Chinese government has yielded to the demands of a security apparatus that has been radically empowered since the staging of the 2008 Olympic Games. Just weeks after imprisoned Chinese dissident writer Liu Xiaobo became the world's sole imprisoned Nobel Peace Prize laureate in January 2010, the Chinese leadership launched an assault against all government critics.

Liu Xiaobo's plight is not unique. Most human rights advocates, defenders, and organizations endure varying degrees of surveillance, harassment, or suppression by police and state security agencies. The Chinese government's response to the country's domestic "rights defense movement" – an informal movement connecting lawyers, activists, dissidents, journalists, ordinary citizens, and farmer and workers' advocates – has been to silence their calls for rule of law and respect for China's constitution.

The thuggish lawlessness of this current crackdown has been breathtaking. The nongovernmental human rights organization Chinese Human Rights Defenders has documented at least 20 enforced disappearances of lawyers, civil society activists, bloggers, and other human rights defenders in China since February 16, 2011. Those who remain disappeared, and thus denied the protection of due legal process and highly vulnerable to torture in custody, include:

Gao Zhisheng (高智晟), a human rights lawyer who has been missing for most of the past two years.

Ai Weiwei (艾未未), a high-profile Beijing-based activist, Ai disappeared into police custody at Beijing Capital Airport on April 3 and has been incommunicado ever since.

Ceng Renguang (曾仁广), a Beijing-based human rights activist, missing since February 22, 2011.

Hu Di (胡荻), a Beijing-based blogger and writer, missing since March 13, 2011.

Hu Mingfen (胡明芬), an artist and accountant to activist Ai Weiwei, missing since April 8, 2011.

Lan Ruoyu (蓝若宇), a Chongqing-based graduate student, missing since February 27, 2011.

Li Tiantian (李天天), a Shanghai-based human rights lawyer, missing since February 19, 2011.

Liu Dejun (刘德军), a Beijing-based blogger, missing since February 27, 2011.

Liu Shihui (刘士辉), a Guangzhou-based human rights lawyer, disappeared after being brutally beaten by a group of unidentified individuals at a bus stop on February 20, 2011.

Liu Zhenggang (刘正刚), designer who works with Ai Weiwei, missing since around April 12, 2011.

Wen Tao (文涛), former journalist and Ai Weiwei's assistant, missing since April 3, 2011.

Yuan Xinting (袁新亭), Guangzhou-based editor and activist, missing since early March, 2011.

Zhang Haibo (张海波), a Shanghai-based blogger, missing since February 20, 2011.

Zhang Jinsong (张劲松), Ai Weiwei's driver, missing since April 10, 2011.

Zhang Yongpan (张永攀), a Beijing-based legal activist, missing since April 14, 2011.

Zhou Li (周莉), a Beijing-based activist, missing since March 27, 2011.

Zou Guilin (邹桂兰), a Wuhan-based petitioner, missing since April 17, 2011.

The Chinese government's motivation for such abuses? An attempt to reassert control over an increasingly assertive civil society.

The authorities' methods are distinctive this time around. Gone is the reliance on short-term detention and house arrest; instead, security forces have opted for a mix of arrests on state security charges and extrajudicial tactics such as disappearances, physical intimidation, or beatings by plain-clothes thugs, as well as threats of torture and retaliation against family members and work associates.

The current crackdown is more than a routine weeding out of critics; it is an effort to redefine the limits of permissible expression and roll back the advances made by Chinese civil society over the past decade. The lesson Beijing has taken from the Middle East uprisings is that the Internet can be the starting point of large-scale popular protests and that it has indeed contributed to the spread of "global values," such as freedom of expression and human rights. In the minds of the leadership, these factors generate an urgent need to reassert control.

This crackdown has not gone unnoticed by the US government, which has characterized these developments in China as "serious backsliding." On April 28, 2011, US Assistant Secretary of State for Democracy, Human Rights, and Labor Michael Posner described Chinese government responses to queries at the US-China Human Rights Dialogue on individual cases as providing "no sense of comfort."

The Chinese government's attack on human rights poses a serious challenge to how the US engages with China on human rights. The annual US-China Human Rights Dialogue has effectively moved human rights to the margins of the US-China relationship and sent the signal to the Chinese government that such issues are not a core US interest. That status quo will not advance either human rights or US interests.

The US can send an important signal to the Chinese government about the need for prioritizing human rights in the bilateral relationship through the following means:

- Forming an interagency working group to spot opportunities to raise rights issues with Chinese officials both privately and publicly.
- Using its influence to encourage key allies such as the European Union, Japan, Australia, and Canada to also adopt a more robust engagement with the Chinese government on human rights issues.
- Publicly commemorating in both the US and at its embassy and consulates in China the 22nd anniversary of the 1989 Tiananmen massacre on June 4, 2011.

Moving forward, the US government should demonstrate its concern over the Chinese government's crackdown on dissent by integrating human rights onto the agendas of ongoing bilateral discussions of key strategic and economic issues. Such an approach dovetails with what a number of US officials have characterized as a "whole of government" strategy in engagement with China on human rights. This approach recognizes that many US interests are fundamentally premised on the establishment of an independent judicial system, the free flow of information, and tolerance of criticism of government policies and practices in China.

Human Rights Watch urges that the US adopt this approach by tasking the following agencies with raising relevant human rights issues with their Chinese counterparts, such as:

- The Department of Commerce and the Office of the US Trade Representative should express concerns about the lack of progress in legal reforms, many of which are linked to World Trade Organization commitments designed to create a more predictable business environment; about ongoing efforts by the Chinese government to surveil and censor the Internet, which poses a threat to the freedom of expression; and about the dangerously

ambiguous Law on Guarding State Secrets, which has been used against Chinese government critics and members of the international business community;

- The Department of Health and Human Services, and particularly its Food and Drug Administration, should express concerns about the corrosive influence of Chinese state censorship and the Chinese government's persecution of whistleblowers, which prevents timely reporting on food and product safety and public health;
- The Department of Education should express concern about the systemic discrimination against the children of Chinese migrant workers that limits access to education, and the effects that this will have on China's development, particularly as it moves out of low-skills production in future years and requires a more skilled labor force;
- The Department of Energy should not only raise the case of Xue Feng, an American geologist serving an eight year sentence on state secrets charges for his participation in the sale of a database regarding China's petroleum agency, it should also urge the US-China Oil and Gas Industry Forum to adopt international standards and safeguards on human rights and transparency in their exploration, extraction, and infrastructure projects;
- The Environmental Protection Agency should ask for greater transparency regarding environmental crises in China and for the Chinese government to cease its persecution of environmental activists such as Wu Lihong, who after being tortured during his three-year incarceration has virtually ceased his advocacy work, and Karma Samdrup, a Tibetan environmental philanthropist now serving a 15-year sentence on trumped up charges;
- The Department of Defense should raise not only concerns about the use of military forces in domestic Chinese policing operations but also the Chinese government's unwillingness to address the root causes of unrest in Tibet and Xinjiang, which fundamentally compromise the country's stability; and
- The Department of Justice should raise its concerns about disappeared, detained, and disbarred Chinese human rights lawyers and what such tactics mean for Chinese officials' claims to abide by the rule of law.

The Chinese government takes careful note of which US officials and agencies do and don't talk about human rights. Therefore, showing commitment requires across-the-board coordination. If the people who deal with China on trade, financial, and defense matters raise concerns, the Chinese government will sit up and take notice.