

HUMAN RIGHTS IN CHINA— LOOKING AHEAD

In marking Human Rights in China's 15th anniversary, several longstanding HRIC participants met in July to discuss how the organization is developing strategies to address new human rights challenges and opportunities in China.

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CRF: 2004 is the fifteenth anniversary of the Chinese government's June 4th crackdown on the 1989 democracy movement. It also marks the 15th anniversary of the founding of HRIC in March 1989 by Chinese scientists and students abroad to support the democracy movement back home. With serious human rights violations persisting in China, HRIC has had to build on its original core focus on political dissidents and democracy activists to develop more sophisticated international advocacy on a broad range of human rights issues. Now we need to look ahead at key issues and challenges facing HRIC in the coming years. Perhaps we can start with a recap of how China has changed in the last 15 years, what the key human rights challenges are, and how that affects HRIC's approach heading into the next five years.

AN: There's a widespread perception that the human rights situation has improved in China, but the picture is really much more complicated. We've seen improvements in some dimensions, worsening in others, and stasis in still others. As the economy has grown, average living standards have improved, which must delight any human rights advocate. There is increased personal privacy and access to information, slightly increased independence of legislative institutions, and greater independence of the media, albeit still government controlled.

But some things have gotten worse: access to health care, access to education, access to retirement and other social welfare benefits, problems of migrants to the cities, human rights

abuses in connection with land development and environmental damage, and intensified crackdowns against social groups that challenge the government like laid-off workers, peasants protesting environmental abuse or local corruption and Falungong. Areas of stasis include religious repression, repression in Tibet and Xinjiang, repression of political dissidents and the use of labor re-education and other forms of administrative detention to imprison people without trial.

CRF: What role can HRIC play most effectively in light of these ongoing and new challenges?

FLZ: Looking back over the past 15 years, HRIC seems to have gradually developed effectiveness in the role of a "human rights broker," that is, HRIC can serve as a bridge between human rights cases in China and international organizations (and communities) that are interested in taking on those cases. The Tiananmen Mothers provide a typical example. I believe playing the role of "human rights broker" will remain one of HRIC's basic functions in the coming years.

In this respect, HRIC needs to identify typical and pressing human rights cases in China, but at the same time we need to find more international channels to take up such cases. In its efforts to promote greater democracy and human rights in China, HRIC enjoys a substantial advantage over many other overseas groups in its networks and resources and the international makeup of its participants. That's another important reason why the role of human rights broker makes sense for HRIC.

LQ: Especially with the Chinese government's persistent control over the flow of information and censorship of any critical voices, HRIC is in good a position to amplify these silenced voices and promote the free flow of information and perspectives into and out of China through our press releases, outreach and Internet programs.

BB: But we can't let up on the work we've been doing from the beginning. We still need to redramatize the terrible prison terms against persons committing no crimes. Our news releases are great, but they're not getting into the international press. No one wants to face it. Maybe we should develop a

poster campaign, “Forgotten Man of the Year.” Or maybe we could work with major media like NPR or Charlie Rose and get them to give us space to tell the story. We can still use these individual cases to illustrate the injustice of the law and weaknesses in the system.

AN: I’m not against publicizing individual cases, but it’s just one of many difficult steps that are required to mobilize foreign governments to bring pressure to bear on the Chinese government on these issues. As Aryeh Neier says in his book [Taking Liberties], as far as mobilizing real U.S. government pressure on China around human rights abuses, the human rights movement has already virtually lost the fight. We can get the public concerned about certain cases, but the U.S. government seldom brings any real pressure to bear. The tactic of publicizing cases doesn’t have the same political results it once did.

SH: There are two problems here: the limits of advocacy on behalf of individual cases and the limits of bilateral processes. Individual advocacy is important for bringing outside attention and pressure on the Chinese government to ensure that people’s individual rights are not violated, and that they are not detained under abusive conditions, denied legal process or subjected to torture, repressive surveillance and so on. The most effective form of pressure comes from foreign governments through a variety of bilateral processes.

Unfortunately, these processes are neither transparent nor accountable, and it’s often unclear whether they produce structural or systemic results, especially when they’re derailed by political and trade debates. In the case of the U.S.-China dialogue process, in times of political sensitivity, for example under the scrutiny of the annual MFN debates in the U.S., China developed the habit of releasing a political prisoner, sometimes sending him or her overseas on some “health” pretext. As HRIC has pointed out, while these “hostage” releases are significant and welcome for the individual, the exiling of critical voices contributes nothing to strengthening China’s systemic protections or reforms. At the same time, the releases provide foreign governments with a convenient excuse to reduce pressure on China on the misleading and mistaken premise that China seems to be showing greater respect for human rights.

LQ: But individual cases are still really important as a core of HRIC’s work. The oppression faced by individual people and the horrible suffering they endure for no good reason helps the outside world understand why we’re here and why human rights in China is something everyone should care about. But not all types of cases will receive a lot of attention from the outside world. For a case to be effective nowadays, it has to attract not only a critical degree of international attention, but also a tremendous amount of support within China. The case of Dr. Jiang Yanyong was a perfect example. He’s enjoyed very wide support among ordinary Chinese, and the international community has also followed his case with great interest.

AN: Dr. Jiang is the rare sort of person who has the potential to

be a global figure, partly because of his having been a hero in the SARS crisis.

SH: And also because he came forward this year calling for a reassessment of June 4th, which was a brave additional voice to the Tiananmen Mothers, who have spent more than a decade calling for an accounting and justice for their family members who were killed.

LQ: There are a lot of other stories about Dr. Jiang getting in trouble for telling the truth. Although he was finally released, we should closely monitor what kind of persecution the government might level against him in the future. We could build a coalition of support among other international organizations, as well as prominent figures in the medical and public health communities.

BB: I think another area to explore is how China’s oppressive policies affect people even in the free world. I learned recently that Xu Wenli teaches a course at Brown University that Chinese students can audit without it appearing on their record, and without registering under their own names, so they won’t get into trouble when they go back to China. This shows that they’re really effectively silenced, even if they’re studying in America. We should arrange to talk with some of them without requiring them to give their names – and the fact that they wouldn’t give their names would be evidence of how they’re silenced. We should find a way of letting these students know that it’s very unusual in American universities for people not to feel free to speak up. And the whole university should be made aware that many of the Chinese students among them are effectively muzzled, and that there might be people among them who would report back to China if these Chinese students spoke out. It’s a horrible thing, and we just accept it.

We should, more and more, show how this kind of unlawful activity is tying up Chinese all over the world. And we should talk about the willingness of American businesses to engage with China in spite of this unacceptable behavior. Especially as the 2008 Olympics approaches, we need to be focusing on more effective ways to bring media attention to the human rights problems in China. Also, since New York is a sister city with Beijing, and is also bidding for the 2012 Olympics, New York City should be especially concerned that the 2008 Olympic Games are not tainted by human rights violations.

CRF: Beijing’s hosting of the 2008 Olympics is a good example of how HRIC has been developing its approach to take advantage of new opportunities.

SH: Yes, the Beijing Olympics provide an opportunity to demonstrate how the human rights situation for China can also have important implications for the rest of the world. We’ve been developing our Incorporating Responsibility 2008 Campaign [IR 2008] to address the Olympics as an example of how ethical globalization plays out in China in terms of workers rights, sustainable and equitable development, the environ-

ment and the emergence of a democratic civil space. Given the international interest and participation in the 2008 Olympics, these are all areas that have profound implications for the region and the rest of the world, and our IR 2008 campaign aims to leverage this interest into an effective pressure on China to improve human rights.

LQ: Let's talk about what's happening in Beijing today. There's news that several thousand people are demonstrating against official corruption outside the state council's visitor's office. Although it's at a slightly out-of-the-way location, it's still in the city center, and people from all over the country are taking part. According to our information, there was some organization by groups, but the demonstration wouldn't have become so large if it didn't appeal to deep-seated public discontent that sparked a much larger and more spontaneous participation. I've been in touch with some of the people involved in the protest. These are people who have been put into a position where they have no other way out. They've already come to a dead-end. There are many people in China from all walks of life who feel they can barely survive anymore. Yesterday there was a group of people from the northeast who went to Beijing to commit mass suicide.

CRF: Did they do it?

LQ: They went to the top of a six-story building to jump, but the police grabbed them before they could kill themselves. There was some press coverage, but since the police detained these people before they could do anything, it wasn't a big story. And they stuck the protesters in a secret place where they couldn't be interviewed or photographed, so there hasn't been much for journalists to work with. That's why there were some brief reports outside but no in-depth reports.

All the same, the international press and some embassy officials have been trying to get more information, because they think this kind of incident is going to become increasingly common and difficult to control.

These are stories that are interesting to people in China and outside of China, and it's an area where we have the resources and ability to play a stronger role in making people aware of what's happening.

CRF: News coverage suggests that these kinds of "big issue" stories are attracting a lot more interest than cases of oppression of individual dissidents. Du Daobin is not as interesting for his political views so much as in the way he represents the way the Chinese government is concentrating on controlling the Internet, which is exploding in China. The detention of a peasant leader like Zhang Youren is not of great interest, but the building discontent over social injustice in the rural areas is something the overseas press is picking up on more and more.

This may or may not be justified in terms of the unreasonable suffering imposed on these individuals, but the fact is that the Chinese government has been unjustly oppressing individuals for decades, and where there's no change, there's no news. But these social movements are new, and that gives them a

genuine appeal for overseas journalists and their readers. All the same, it usually takes a while for a "critical mass" of individual instances to develop into a newsworthy trend. Maybe HRIC needs to take a more active role in making people aware of and interested in these trends.

SH: Especially when the western media have so many other competing "stories" in other parts of the world vying for their attention, part of the challenge for HRIC is how to present these complex and urgent issues in a compelling way. We've been expanding our programmatic and research focus to rights areas like education, health and housing that impact on large, vulnerable groups such as migrants, ethnic minorities, rural inhabitants, children and women. But how do we put a human face on 800 million or the vast majority of China's 1.3 billion people? How do we develop really effective strategies that will contribute to the kind of pressure on the Chinese government that will eventually lead to improvements in the conditions and human rights protections for these people?

FLZ: One specific area HRIC can focus more on is some connection with Beijing's petitioning system. We've seen a dramatic upsurge in the number of complaints ordinary people are bringing to the higher authorities in hopes of redressing injustice. I think focusing on this system and the people who use it will uncover a wide variety of human rights-related cases that illustrate a lot of the broader issues China is facing today.

AN: This leads to another change we're facing, which is that there are many more grassroots protests than there used to be, and we have more of a capability than we ever had before to be in touch with them. But the question is how to handle that relationship so as not to endanger the people within China. Han Dongfang has developed a distinctive approach to that in regard to labor rights. He always tells people in China to act in accordance with the law, and he explains what the relevant law is. This approach is possibly less workable for us, given that Chinese law is relatively adequate in the labor area but quite inadequate in so many other areas. There's a question of whether we can always stick to that approach. There's also a question of what is the borderline between doing human rights work and doing political work against a certain regime. Those are new issues for human rights organizations to assess in looking to the future. This kind of work raises a dilemma of whether we should try to cultivate support from the middle class of Chinese society or do we position ourselves with those who are marginalized?

SH: With regard to labor rights, I agree with Andy that the formal law on paper is relatively developed, but the main problem in China is enforcement and the lack of independent unions and the opportunity for workers to organize themselves. In terms of working within the existing Chinese law, HRIC also supports this approach. However, we also monitor and work to promote legal and administrative reforms that are necessary to make China's domestic law conform to its international human rights obligations. For example, our research and recommen-

dations regarding abolition of the administrative detention system, or reform of the hukou system.

As a human rights NGO, we need to make it clear that our work and our approach is not political in the sense of being “against a certain regime.” It’s more constructive to emphasize that our work is “for” China, for Chinese people, for a democratic future for China. The people we work most with are from the most marginalized, vulnerable groups, such as democracy activists, political dissidents, workers, residents displaced by development projects, migrants, ethnic minorities and so on. But at the same time they really constitute the majority of Chinese society. The emerging “middle class” consists of only six million people out of China’s present population of 1.3 billion, a very small percentage.

AN: Actually, no, I disagree. People who consider themselves middle class, that’s several hundred millions.

CRF: This is an interesting point, because if people consider themselves middle class, they may well not support or sympathize with what they consider marginalized segments of society – especially if those marginalized people are out staging demonstrations or engaging in other activities that might be regarded as “threatening” to social stability.

SH: This underscores the tension between an emerging economic and political elite and the vast majority of people – What Andy’s question focuses on is how HRIC, in moving forward, can develop strategies that will gain the support of different segments of Chinese society.

LQ: The security of the people we communicate with inside China has to remain a primary concern. We’ve always emphasized security. We’re not going to urge anybody to do anything dangerous. Actually, even if an action is legal, if it’s going to get them into trouble we don’t ask them to do it, because we have no way to help them directly. But if they do decide to do something and get into trouble for it, we can appeal for them and publicize their cases internationally, and we can represent their cases to governments or to the UN and ask for political pressure to be brought to protect them.

The other way we can help them is through our network in China, which is broader than the networks available to small local groups. For example, if they’re from the Northeast, or if they’re from Sichuan, we can introduce them to people elsewhere who can be of help. There are certain people in China now who work to help the disadvantaged make appeals. They help them find ways to carry out recalls or election defeats against local officials.

Another thing we can do is to provide financial help for people who are in serious trouble and have no other resources. Our news releases go to hundreds of people and can get more attention than a story in a single newspaper. And we have credibility. People are anxious to get their news out through us.

AN: So in summary, changes in Chinese society have made it possible for us to help these pockets of demonstrators who’ve

been disadvantaged by China’s social changes. We can perform three functions for them. We can publicize their work. We can send them aid. And especially we can put them in touch with those in that rather small circle of people in China – lawyers, journalists – who now are working to help such people.

BB: What about the big problem of lawyers and others who are being harassed or intimidated when they take on politically sensitive cases? What’s happening with the case of Zheng Enchong, the lawyer who was representing those hundreds of families forcibly dislocated from their homes for urban redevelopment projects?

LQ: Zheng Enchong’s case is one of the more important cases we’re working on, and we’re in regular contact with his wife. He’s still in prison. HRIC is also working with foreign lawyers, bar association contacts and others to bring attention to his case and to advocate for his release.

AN: Let’s talk further about expanding opportunities for working with international organizations such as foreign bar associations, as well as UN agencies.

SH: UN-related research and advocacy has been a part of HRIC’s international advocacy approach almost from the beginning. For example, HRIC produced useful briefing papers in the lead up to the 1995 Women’s Conference. But with China’s continued integration into the international community through accession to the WTO, participation in the UN Global Compact and an increasingly active role in international bodies, we’ve needed to expand our expertise and the scope of our international advocacy to develop more strategic linkages between trade, human rights and labor rights. Now, in addition to the individual case submissions to various special UN human rights mechanisms and bodies that we’ve been doing all along, HRIC has started monitoring China’s impact on multilateral bodies, such as UN bodies, world summits and the WTO. We need to make sure that China’s increasing influence in these bodies won’t have a detrimental effect on transparency and accountability and the participation of human rights NGOs and civil society voices.

BB: I know we also work with Amnesty International and others, and we should stay on top of what they’re doing in their China programs.

SH: Yes, we’re maintaining good collaborative relationships with Amnesty, Human Rights Watch and other NGOs so we can leverage limited resources and maximize our comparative advantages of expertise, experience and networks. Our recent cooperation with Han Dongfang and China Labour Bulletin in co-organizing the Conference for Action generated great interest among diverse groups including trade unions, NGOs, business and multilateral organizations.

LQ: HRIC shares information about our casework, for instance Dr. Jiang’s case, with HRW, Amnesty, governments and others.

AN: I wanted to say something further about the UN and WTO agencies that you've done a lot of work with. You've worked with the Human Rights Commission, the UN "thematic mechanisms" and so forth. I believe this is a very important area of work for the next five years. This is new because in the past, the "low-hanging fruit" was working with the U.S. Congress, and the White House and the State Department, but that has become difficult, as I've said.

BB: But why has this become difficult?

SH: It's not difficult in terms of HRIC's ability to contribute to the debates on policy issues within various governments. HRIC is regularly asked to participate in China briefings, hearings, or consultations. The difficulty lies in the limitations of the bilateral processes themselves. We also think it's necessary to develop more effective approaches in the multilateral arenas, such as those Andy has identified. The past and current U.S. administration and other governments, the Office of the High Commissioner for Human Rights and various UN technical assistance and monitoring mechanisms, and other NGOs have all been wrestling with questions regarding the efficacy bilateral and multilateral engagement, the relationship between technical assistance and monitoring, and the role NGO and civil society actors can play in these initiatives. HRIC is playing a more visible role and making constructive critical contributions to these debates.

AN: The threat of withdrawing Most Favored Nation trading privileges is dead as a strategy for pressuring the Chinese government on human rights issues. The human rights government-to-government dialogues are worthless. The importance of China in relation to the Korea problem, the Taiwan problem, is so great that no U.S. president is going to prioritize human rights in his relations with China – and I wouldn't if I were president, either. We're just not getting enough traction to get us very far by relying on the U.S. government. We need to find a new way. In the meantime, these UN agencies are gradually becoming more important. The new Human Rights Commissioner is a Canadian who's really great. I think that these agencies are slowly getting more effective.

BB: Are they?

SH: Yes, they are, but the PRC government is also developing greater expertise in the various multilateral bodies – for example, it's more responsive to UN requests regarding individual cases submitted by NGOs, including HRIC; it's increasingly preparing more in-depth reports to the treaty bodies, and sending more expert delegations to these processes. At same time there's the danger of the PRC using these processes to limit the participation of NGOs it views as critical of its policies or human rights record, and to throw its political and economic weight around to politicize human rights mechanisms such as the Commission on Human Rights.

AN: It's an up-and-down struggle, but the Chinese government

has to pay attention to it. And we now have the organizational capacity to participate in this very complicated arena with a lot of expertise.

SH: With China's enormous economic and political power in the global community, it's critical to monitor both the impact of increasing global participation on China's development and China's increasingly prominent and influential role in these multilateral processes and institutions. It's also necessary to examine the common assumptions that China's market reforms and international participation will automatically lead to democratization. If China wants to be a respected member of the global community, it has to interact with global norms. As a human rights organization we need to focus on evolving norms that promote human rights, an independent civil space and democratic reform. We need to acknowledge that the form of democracy that works for China might be different in some ways from that defined by Western funders or other outside actors. But at the same time we have to support the development of a democracy that is not defined and controlled by the Community Party.

Edited from a transcription by Carolyn Hsu