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June 17, 2015

The Honorable John F. Kerry
U.S. Department of State
2201 C St NW
Washington, DC 20520
Via Fax: 2026472283; 2026477350

The Honorable Jacob J. Lew
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, D.C. 20220
Via Fax: 2026220073; 2026220073; 2026220417

Re: The 2015 US-China Strategic & Economic Dialogue

Dear Secretary Kerry and Secretary Lew,

We write on the occasion of the June 22-24, 2015 US-China Strategic & Economic Dialogue, to urge that this important bilateral meeting include an unequivocal message about China's deteriorating human rights situation and lay the groundwork for human rights to be a significant component of the visit later this year of Chinese President Xi Jinping.

Since President Xi came into power the Chinese government has redoubled efforts to criminalize online speech, silence journalists, and to insist that university lecturers, academic researchers, and Communist Party members adhere to the leadership's line. Urgent legal reforms have stalled, and the legitimate underlying grievances of ethnic minorities, religious groups, and other vulnerable communities have been exacerbated through repression rather than addressed. Draft legislation on counterterrorism, national security, and the management of foreign non-governmental organizations (NGOs) reflect Beijing's growing hostility domestically and internationally towards independent civil society, the freedoms of association and expression, and the rule of law. The worsening human rights environment and the extraordinary damage done to China's civil society should be given greater prominence in the bilateral relationship.

We share the US government's assessment that the human rights environment in China is deteriorating. We appreciate US advocacy in pushing back against the draft foreign NGO law and in support of human rights defenders in China, including the five feminists detained this past spring for their planned advocacy around sexual harassment.

We question, however, whether the US is fulfilling its stated "whole of government" approach on human rights. If well-executed, we believe such an approach could be highly effective. Yet we know that multiple Cabinet members have met in the past year with their Chinese counterparts, and there is little evidence to suggest forceful advocacy by those US officials in support of human rights, sending decidedly mixed messages about the importance the US places on this issue. For example, on the same day in April, Secretary Kerry issued a statement calling on Chinese authorities to release the five feminists, while Department of Homeland Security Secretary Johnson, in a speech to China's elite police academy in Beijing, "saluted" them despite their well-documented role in systemic human rights abuses. Such a lack of consistency makes it easy for Beijing to choose only the messages it likes to hear.

The Strategic and Economic Dialogue presents an opportunity for the US to visibly demonstrate its "whole of government" approach—and use a tone as tough as recent US commentary regarding the South China Seas, cyber, and trade issues—leaving no Chinese official uncertain about the importance of human rights to the US. Given its proximity to Chinese President Xi Jinping's planned visit in September, this Dialogue also affords particular leverage to press the Chinese government to release unjustly imprisoned individuals, abandon problematic proposed laws, and roll back abusive policies.

To that end, we urge that you:

- Explain unambiguously to your Chinese counterparts that a failure to withdraw or to rewrite in compliance with international human rights standards China's draft laws on counterterrorism, national security, and foreign NGO management presents significant obstacles to bilateral cooperation on issues ranging from economic ties to law enforcement cooperation to cultural exchanges. If adopted, these laws will at a minimum make the activities of US-based civil society groups, foundations, and universities subject to the approval of China's Ministry of Public Security; establish a counterterrorism structure with enormous discretionary power and a system of total digital surveillance; and entitle parts of China's security apparatus to operate outside its borders. The US

should publicly enumerate all of the bilateral initiatives that cannot be pursued until such laws are dropped or revised.


- Publicly call for the release of individuals imprisoned for doing nothing more than peacefully exercising their rights; doing so may bring them a degree of protection in detention and will certainly bring their families a modicum of hope. We are aware that there are—disturbingly—thousands of cases from which to choose; we suggest you prioritize those who represent particular communities targeted for reprisals, including political reform advocate and 2010 Nobel Peace Prize winner Liu Xiaobo, prominent Uighur economist Ilham Tohti, Tibetan Buddhist leader Tenzin Delek Rinpoche, veteran journalist Gao Yu, human rights lawyer Pu Zhiqiang, and house church Pastor Yang Rongli. As China has increasingly asked the US for assistance in returning to China allegedly corrupt officials who have fled to the US, we hope that US officials have on those occasions rejected such cooperation unless and until individuals such as these activists are freed and able exercise their rights peacefully inside China.
- Publicly express the US’ concerns about ongoing and multiplying threats to the freedom of expression in China. Preventing journalists—whether Chinese or foreign—from reporting freely from inside China creates genuine threats to people in both countries and around the world. President Xi has identified “purifying cyberspace” as a priority, and the government has stepped up intimidation, harassment, and prosecution of bloggers, strengthened its push for real-name registration, and begun implementing new digital surveillance and censorship policies. We appreciate the US’ forceful advocacy for American journalists’ access to and freedom inside China, and ask that that be matched by equally strong advocacy on behalf of journalists from China.
- Demonstrate your commitment to the US’ “Stand With Civil Society” initiative by hosting prominent human rights defenders from China at the White House. We urge that you do this in advance of the Dialogue and again in advance of President Xi’s visit. We also urge that you postpone an official bilateral human rights dialogue—a problematic initiative that is off-limits to Chinese civil society and is used effectively by Beijing to discourage all discussion of human rights in other forums—until after President Xi’s visit.
- Report publicly after the Dialogue which human rights issues were raised, and by whom, to build confidence in the “whole of government” approach.

The US seeks a China that can be a responsible partner. That country is one in which basic human rights are protected, peaceful dissent is tolerated, and a legal system that operates according to law rather than political whims is entrenched. We urge that you seize this opportunity—one almost universally denied to people in China—to achieve those goals.

Sincerely,



Sophie Richardson
China Director
Human Rights Watch



T. Kumar
International Advocacy Director
Amnesty International USA



Bob Fu
President
China Aid



Mark Lagon
President
Freedom House



Sharon Hom
Executive Director
Human Rights in China



Matteo Mecacci
President
International Campaign for Tibet



Kelley Currie
Senior Fellow
Project 2049



Benjamin Ismail
Head of Asia-Pacific Desk
Reporters Sans Frontieres



Alim Seytoff
Director
Uyghur Human Rights Project