HUMAN RIGHTS, DEMOCRACY AND RULE OF LAW IN CHINA: MAKING THE CASE  
By the Democracy & Human Rights Working Group

While experiencing rapid economic growth and episodic improvements in the rule of law over the years, Chinese citizens today face one of the world’s most oppressive regimes, with a major deterioration in human rights and civil liberties.

Activists and lawyers are under increasing threat of detention, harassment, and, if imprisoned, torture and denial of medical treatment.

During a two-week period last year, over 200 lawyers and their associates were detained. Authorities are imposing greater restrictions on the Internet; a national security law from July 2015 grants the government unprecedented authority over Internet usage; journalists are required to pass political ideology exams, citizens are denied the ability to vote in elections, and Tibetans, Uighurs and religious believers are often targeted for persecution.

Yet U.S. policy for decades has relegated human rights and democracy concerns far down the list of priorities with Beijing owing to China’s size and economic weight. This paper identifies ways to elevate the importance of democracy, human rights and rule of law in China going forward.

I. Recommendations for how to press China on human rights, democracy and rule of law:

Highlight specific abuses by the Chinese government – e.g., each U.S. Cabinet member could raise an individual political prisoner’s case with the Chinese government.

Present a strong, consistent front by coordinating messaging by senior U.S. officials and by coordinating policy and messaging with allies. This should include publicly condemning violations of human rights and speeches on China that include explicit concerns about problems in the area of human rights and rule of law.

Impose consequences on Chinese officials responsible for gross human rights abuses. One way to do this would be via pending Global Magnitsky legislation.

Meet regularly at very senior levels with Chinese dissidents and activists – including Tibetans and Uighurs as well as religious believers – to demonstrate support for them.

Fund technology and Internet circumvention applications and protect content generated by Chinese users to support freedom of information and communication within China.

End the Human Rights Dialogue with China, which has proven to be not only ineffective but harmful by stove-piping human rights and democracy issues when instead they need to be incorporated into the broader bilateral agenda, including on the Bilateral Investment Treaty and Strategic & Economic Dialogue agendas.
Provide breakdowns of the human rights situation by province in the annual Human Rights Report to highlight the worst and best areas. This will allow U.S. companies to invest responsibly, possibly spurring a race to the top as provinces compete to attract foreign investment by improving their human rights rating.

Limit the use of Blair House and other symbolism – and even visits to the U.S. – to representatives from democratic countries, thereby exploiting the importance China attaches to prestige and status. High levels of emigration to and study in the U.S. demonstrate that the Chinese still hold the U.S. in high regard.

II. Why We Should Press China on Issues of Human Rights, Democracy and Rule of Law:

From a purely moral argument, the U.S. should speak out on human rights abuses wherever they are committed, especially in a country as important and powerful a global player as China. It is simply the right thing to do.

Left unchallenged by the U.S., Chinese authorities will see no incentive to change their behavior, making it likely that the current crackdown will get worse and emboldening China to continue trying to undermine norms beyond its borders.

Chinese activists look to the outside world, especially the U.S., to speak out against abuses in the spirit of defending universal human rights.

U.S. policy should reflect an investment in relations with the Chinese people over the long run, not only in the current, Communist Party-run government. With long memories, the Chinese people in the future should recall an America that stood in favor of their rights, even when they were abridged at home.

Despots in other countries are less likely to respond to U.S. pressure on democracy and human rights issues if they see that China is getting a pass.

It is in the U.S. interest for China to respect human rights, democracy, and rule of law. Given its complexity and mix of issues that unite and divide us, a China that better respects universal rights would put ties with the United States on a firmer foundation. The current weak rule of law and restrictions on civil liberties harm U.S. economic interests, for example through making it harder to build a mutually beneficial bilateral relationship.

III. Anticipating Counter-Arguments:

Argument: “Too much to lose.” Pressuring China on human rights could jeopardize American financial interests, given China’s large stake in U.S. debt.

Response: Continued ownership of U.S. debt is in China’s financial interest, making it unlikely that Beijing would forfeit this solid investment and collect on U.S. debt in retaliation. Indeed,
China’s investment in the U.S. is not contingent upon American silence; it is likely to hold U.S. bonds irrespective of Washington’s position on human rights.

Argument: “We cannot jeopardize other areas of cooperation.” U.S.-China partnership on other key issues – climate, nonproliferation, counterterrorism – would be damaged if we took a more aggressive approach on human rights.

Response: China will not back out of other negotiations or cooperation on other issues just because the U.S. pushes on human rights and democracy. Beijing pursues such cooperation out of national interest.

Argument: “Other countries are worse.” So why pick on China?

Response: China represents a fifth of the earth’s population and seeks a global leadership role. The state of universal human rights is thus of abiding importance, not only within China but beyond. Furthermore, the human rights situation under Xi has precipitously declined and shows no signs of improving.

Argument: We have a full plate of bilateral priorities; raising human rights issues would crowd out dialogue on cyber security, the maritime commons, etc.

Response: Human rights in China will not be the only bilateral issue with Beijing, or even always the top one. The key is to integrate concerns for human rights in China with all of the other issues the United States cares about.