

Statement from Sophie Richardson

March 1, 2017

Chairman Rubio, Co-chairman Smith, members of the Commission,

First, many thanks for your leadership on and concern about human rights abuses in China, and your support to human rights defenders.

As my fellow witnesses have detailed, China has indeed broken the human rights promises it made in exchange for WTO membership. When it joined, Beijing committed to greater respect for the rule of law, openness, and adherence to international standards. But since that time, and particularly since the beginning of President Xi Jinping's tenure in March 2013, the Chinese government has:

- Not only failed to implement key legal reforms, but also pursued the adoption of highly abusive policies on issues ranging from cybersecurity to terrorism to NGO "management," all of them in tension with China's human rights obligations under domestic and international law;
- Not only failed to support peaceful civil society across China—individuals and groups work on issues ranging from rural literacy to constitutional reform—but instead turned on that community and punished it with detentions, disappearances, and torture; and Beijing has
- Not only demonstrated bad faith in mechanisms ranging from human rights dialogues to UN treaty body reviews, it is also increasingly seeking to remake those instruments in ways that suit Beijing's demands—thus weakening already-weak tools.

Now, some have argued that while China may not have made progress on human rights, WTO accession and entry into other global trade regimes have brought about greater openness for business and trade. But if that's the case, why did 8 out of 10 respondents in AmCham's January 2017 survey said they didn't even feel welcome in China? Why are businesspeople like Sandy Phan-Gillis who are working to promote trade detained? Presumably business associations expected over time to have more respect and room to operate—not to have to grapple with the kinds of constraints they too now face under the new Foreign NGO Management Law.

Human rights abuses in China exist, and persist, in part because the US and others haven't insisted on holistic progress, and haven't imposed a price in response to them. It is now painfully clear that reformers in the Chinese government don't have influence, that arguments that China just needs more time or more exposure to the outside world don't hold water, and that senior Chinese officials patently reject the argument that respect for rights leads to stability. The argument that opening to trade would lead to greater political openness was woefully wrong, and, as a result, the world now faces the prospect of dealing with an aggressive, affluent, and utterly rights *dis*respecting Chinese government.

So if China is to become the kind of viable, predictable partner or global player many—including us—want it to be, we need to redouble efforts to promote human rights there. But doing that effectively requires absorbing another key lesson of the past 15 years: that Beijing generally only responds to threats of negative consequences.

Now, the Trump administration appears willing to be tough at least rhetorically on China with respect to trade, Taiwan, and the South China Seas. But it's not yet clear whether or how human rights fit into the picture.

What can Congress do to educate the administration and help arrest the downward human rights spiral in China?

First, urge the administration to publicly articulate its China policy, and ensure that human rights are a priority across the administration (not just for the State Department). We're concerned that the public readouts of Secretary Tillerson's first three interactions with Chinese officials contain no references to human rights. As we all know from experience, what new administrations say to Beijing at the outset of a relationship matters enormously. Your oversight in this area is critical.

Second, ensure that failures by the Chinese government to mitigate human rights abuses have meaningful consequences, ideally in areas that matter to Beijing. For example:

- The US can and should publicly decline to work with China on corruption-related issues—a priority for Beijing—until the latter can show it can provide due process consistent with international human rights standards. In a similar vein, the next time the US becomes aware of Chinese police or Communist Party officials who are in the US on tourist visas but are hunting down allegedly corrupt mainland officials, those people should be prosecuted—not quietly sent home with a stern warning.
- The Chinese government prefers to tolerate shallow rule of law dialogues as substitutes for meaningful human rights discussions; why not insist that all Chinese human rights lawyers be released before scheduling any further interactions with the Ministries of Justice, Public Security, or State Security?
- As Beijing seeks to expand its propaganda operations worldwide rather than respect meaningful press freedom anywhere, let journalists from Xinhua and People's Daily and CCTV come to the US to work—but oblige them to register with the Department of Justice as foreign agents.

Third, if the US is uncomfortable with the current reality that stems from having pursued trade at the cost of promoting rights, it should now use China's need for access to the outside world, including its commercial and financial priorities, as forms of leverage.

- We're of course pleased to help vigorously implement the Global Magnitsky Act.
- But why not also demand that Chinese companies investing in the US and elsewhere perform human rights due diligence, and demonstrate they are

addressing problems or face civil actions? Why not make CFIUS examinations of China more visible?

- Why not require greater transparency of investments by Beijing's sovereign wealth fund, the CIC?
- From Burma to South Africa, tactics like these have helped stimulate positive change.

Fourth, consider Commission travel to Beijing, Hong Kong, Lhasa, and/or Urumqi in the coming year. These kinds of visits invariably generate helpful attention to human rights concerns.

Fifth, please support US engagement on China at the UN Human Rights Council. This is venue in which the US led on its best China/human rights initiative of 2016—an unprecedented statement with 11 other governments, which certainly landed a punch in Beijing. We hope for a follow-up effort in June, and support to a robust review of China in 2018.

Last but not least, we'll have to ask you to do more of something you have always excelled at: reaching out to, highlighting, listening to independent voices from China, Tibet, and Xinjiang. Independent civil society there has endured multiple body blows in recent years, and the coming year—with the anniversary of Hong Kong's return to Chinese sovereignty, the autumn Party Congress, the beginning of China's next review by the UN Human Rights Council—is unlikely to be better. Your inviting independent voices to detail human rights abuses, comment on US policy, or simply share their stories is more important than ever to sustaining their work in these very tough times.