ABOUT THE STRAUSS CENTER

The Robert Strauss Center for International Security and Law integrates expertise from across the University of Texas at Austin, as well as from the private and public sectors, in pursuit of practical solutions to emerging international challenges.

The Robert Strauss Center’s Understanding China program features both a speaker series on campus at UT (focused on improving understanding of China’s evolving role in the international system) and a planned research-and-conference series examining China’s human rights record.

ABOUT THE MCCAIN INSTITUTE FOR INTERNATIONAL LEADERSHIP AT ARIZONA STATE UNIVERSITY

Guided by values that have animated the career of Senator John McCain and the McCain family for generations, the McCain Institute is a non-partisan do-tank dedicated to advancing character-driven global leadership based on security, economic opportunity, freedom and human dignity – in the United States and around the world. The Institute seeks to promote humanitarian action, human rights and democracy, and national security, and to embrace technology in producing better designs for educated decisions in national and international policy.

The McCain Institute is committed to: sustaining America’s global leadership; upholding freedom, democracy and human rights as universal human values; supporting humanitarian goals; maintaining a strong, smart national defense; and serving causes greater than one’s self-interest.

The Robert Strauss Center for International Security and Law at the University of Texas at Austin and the McCain Institute for International Leadership at Arizona State University convened a workshop in November 2016 in Washington DC, where policy-makers (past and present), scholars, practitioners, and dissidents met to brainstorm and refine policy-relevant, concrete recommendations for more effectively advancing human rights in China. The result is this report which draws from the views and ideas of the workshop participants as well as other foreign policy experts. However, the report does not necessarily represent the individual views of the participants in that workshop or of the two sponsoring organizations.
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SECTION 1: PURPOSE AND BACKGROUND

With a new presidential administration and a new Congress, the United States has an opportunity to reinvigorate efforts to promote human rights in the People’s Republic of China (PRC). Promoting fundamental freedoms and universal rights has been a key tenet of U.S. foreign policy and serves our country’s national interests. This is especially the case vis-à-vis China. A coherent and firm U.S. policy that vigorously promotes human rights enhances America’s security and economic interests. In contrast, a weak U.S. human rights policy toward China that sidelines these issues will give Chinese leaders an even freer hand to repress their own population, shut U.S. businesses out of the lucrative Chinese market, and distort U.S. intentions to the Chinese people. A failure to check China’s repressive practices could also invite more authoritarian influence onto U.S. shores as China expands its influence on the media and entertainment industry through Chinese investment. U.S. national leaders must understand that inaction also has a cost. All too often, human rights has been viewed as a tangential issue and China has been treated as an exception, with other interests such as economics, trade, and security crowding out human rights concerns. Instead, U.S. leaders must recognize how intertwined human rights are with these other issues.

Encouraging greater respect for human rights in China also serves the interests of the Chinese people by increasing stability, innovation, and prosperity as well as strengthening regional and global security and economic growth. While the future of China will be determined by the Chinese people themselves, the United States can support their aspirations. Growing numbers of Chinese citizens have expressed their increasing frustration with corruption, authoritarian rule, and lack of government accountability as well as their desire for increased political and civic space and greater freedom. These hopes have been proclaimed from Tiananmen Square Protests to Charter 08, and they fuel the ongoing weiquan, or rights defense movement.

There is an urgency in prioritizing human rights because the Trump administration has not given the cause a prominent position in its dealings with the PRC thus far, which was clearly illustrated during the two leaders’ first visit at Mar-a-Lago in April 2017. Despite calls from Chinese activists and members of Congress for President Donald Trump to draw attention to human rights issues during his first meeting with President Xi Jinping, human rights did not feature publicly on their agenda and both President Trump and U.S. Secretary of State Rex Tillerson failed to make public remarks raising human rights concerns.

There is still time for the administration to correct its neglect of human rights by making these issues a priority and adopting the recommendations presented below. In addition to recommendations for the administration and Congress, this report also includes general recommendations as well as more specific proposals for civil society and the business community. Absent a change by the administration, other actors can help fill the void by adopting some of the recommendations below and pressing the administration to reintroduce human rights as a key priority in the bilateral relationship.

SECTION 2: CHINA’S GROWING HUMAN RIGHTS REPRESSION

The political environment in China has tightened in the past decade, and under President Xi there has been even more significant deterioration. Since coming to power in 2012, President Xi, who simultaneously serves as Chinese Communist Party (CCP) Secretary General, has expanded both the severity and breadth of repression of civil and political rights. Xi has even reversed some of the limited but hopeful reforms in rule of law and governance that were introduced in the 1980s and 1990s, suggesting that his rule might mark a new era that is characterized by less personal freedom, a rollback in rule of law reforms, and shrinking space for civil society.

Xi has been quick to stamp out dissent, even introducing disciplinary party regulations that prohibit “improper discussion” of government policy as a way to bar any comments critical of the government. He has overseen
an expanded crackdown on the domestic weiquan movement, which has especially targeted lawyers, activists, and legal staffers through intimidation tactics, detentions, and arrests. Under Xi, Chinese special agents extraterritorially abducted five Hong Kong booksellers for selling books critical of the Chinese government. The government’s long-held fear of organized religion has manifested in the repression of religious minorities, resulting in intimidation, arbitrary detention, and attacks on places of worship. In the past three years alone, more than 1,700 Christian churches have been demolished or had their crosses removed. The Chinese government detains, harasses, and persecutes religious leaders, including Christian pastors operating independent churches, such as Pastor Wang Hongwu from Guizhou province; Catholic leaders, such as bishop Cosmas Shi Enxiang of Yixian who died in prison in 2015 after 14 years of detention; prominent Tibetan Buddhist figures, such as the Panchen Lama who has not been allowed contact with the outside world since 1995; and Uighur Muslims, such as the imam Eziz Emet from the Xinjiang region. Xi has also overseen the introduction of a spate of laws that contravene international human rights standards and legalize expansive and authoritarian government powers, including the passage of legislation on National Security, Counterespionage, Counterterrorism, Cybersecurity, and Foreign Non-governmental Organizations (NGOs). These laws increase the ability of the government to monitor citizens’ communications, bolster the power of public security bureaus to suppress dissent, and use vague language that gives security and “law enforcement” authorities significant leeway to interpret and repress. The human cost of Chinese government repression is embodied in the continued imprisonment of a number of individuals, including:

- Nobel Peace Laureate Liu Xiaobo, arrested for co-authoring Charter 08, a manifesto that advocates for the gradual shifting of China’s political and legal system toward democracy.
- Ilham Tohti, an ethnic Uighur, economist, and peaceful critic of the government, sentenced to life imprisonment after exposing human rights abuse toward ethnic minorities in Xinjiang.
- Zhou Shifeng, head of the Fengrui law firm and human rights lawyer who represented artist Ai Weiwei and the victims of contaminated baby formula that sickened tens of thousands of babies, sentenced to 7 years for subverting state power, a common charge used against hundreds of rights lawyers in recent years.
- Su Changlan, a women’s rights activist who expressed support for the 2014 pro-democracy protests in Hong Kong, sentenced to three years for “inciting subversion of state power.”
- Zhang Shaojie, the local head of the China Christian Council and Three-Self Patriotic Movement, charged with 20 of his congregation members for “gathering a crowd to disrupt the public order” and sentenced to 12 years as a result of his activism related to church property.
- Kunchok Tsephel, writer, co-founder and editor of the first ever Tibetan literary website, Chodme, arrested in 2009 and sentenced in a closed trial to 15 years for “disclosing state secrets.”
- Wang Bingzhang, an outspoken democracy advocate while living in exile in Montreal, abducted extraterritorially in 2002 while traveling in Vietnam, and held incommunicado for six months before being sentenced to life in prison on charges of espionage and terrorism.

While Xi is perceived in some ways as a “strong” leader, he and the Communist Party have relied on heightened repression to retain their control over the country, as these detentions show.

SECTION 3: UNIVERSAL HUMAN RIGHTS AND AMERICAN INTERESTS

A robust human rights policy toward China is one of the best ways to advance American interests with Beijing and to place the U.S.-China relationship on a more balanced, firmer foundation. By making human rights a central feature in the U.S.-China agenda, the administration and Congress would not only promote U.S. interests with China, but set a model for dealing with other countries as well. A freer, more open China would serve U.S. security and economic interests by making China a more stable, transparent, and
productive member of the region and the international community; it would also produce a more dependable trading and business partner. This would alleviate some of the problems currently caused by the CCP’s tight control on information. For example, China’s deliberate underreporting of its defense spending creates further uncertainty for the American forces’ posture in the region, potentially harming U.S. interests and leaving our allies vulnerable. In the economic realm, by some estimates, U.S. technology and media companies have lost billions of dollars of revenue and thousands of jobs as a result of Chinese censorship measures targeting U.S. websites.¹ The lack of consumer rights and repression of some environmental rights also puts the American people at risk, since pollutants from China already reach the West Coast of the United States and unsafe Chinese products have entered the U.S. market.

The way the Chinese leadership treats its own people can be indicative of how it will behave toward its neighbors and shape its foreign policy. Thus, a Chinese government that is hostile on human rights at home may show little respect for other international norms or for neighboring countries’ sovereignty and territorial integrity, as demonstrated by provocative PRC behavior such as cyberattacks and muscle-flexing in the South and East China Seas. The countries that pose the most serious threat to the United States tend to be those that have the most repressive human rights records. In contrast, improved respect for human rights in China would lead to a better-governed country that is more stable and prosperous, as well as a more responsible member of the international community. A more democratic China that respects human rights will certainly not align with Washington on every issue, but such a China is innately less likely to challenge the United States.

Under Xi, the Chinese Communist Party-led government has used censorship and restrictions on freedom of expression to stoke Chinese nationalism and distort U.S. intentions. For example, the General Staff Department of the People’s Liberation Army, the Chinese army’s National Defense University, and the Chinese Academy of Social Sciences, a government think tank, collaborated to produce a propaganda video titled “Silent Contest” in 2013, which accused the United States of undermining CCP power by infiltrating Chinese society and seeking to impose American values on China via military-to-military exchanges and non-profit work. In addition to these specific campaigns, media outlets that serve as mouthpieces of the CCP, such as Xinhua and the Global Times, frequently portray Western media and politicians as staunchly anti-China.

The Chinese government also tries to manipulate popular opinion by promoting bloggers with a harsh stance on the United States, censoring more moderate bloggers while financing the “Fifty-Cent Army,” a group of state-sponsored nationalist internet trolls who are paid to comment on domestic and foreign websites in support of the party line. There are worrying signs that these tactics have eroded Chinese public views of the United States. Survey results from the Pew Research Center published in 2016 find that only 50% of the Chinese public views the United States in a positive light. Additionally, 52% of Chinese citizens believe that the United States is trying to prevent China from overtaking the United States as a world power.² America’s economic interests are also best served by a freer China. The rule of law—characterized by transparency and fair, impartial, and independent courts—would support the ability of U.S. businesses to operate in China and have their legal cases adjudicated in a fair and objective manner. Moreover, as Google noted in a report on enabling trade, China’s targeted internet restrictions serve as an unfair trade barrier by making it harder for U.S. companies, including internet companies like Google, Facebook, and Bloomberg, to reach potential Chinese customers.³ The Chinese government restricts Chinese users’ ability to reach U.S.-based search engines and has at times redirected internet users to domestic counterparts, such as Baidu. Similarly, China restricts the import of media content critical of the government and party leaders, claiming that the Chinese government needs to protect “public morals.” However, a 2015 editorial published by the mouthpiece of the People’s Liberation Army outlines a more political argument for such restrictions: “The internet has grown into an ideological battlefield, and whoever controls the tool will win the war.”⁴ In response to these restrictions, the World Trade Organization’s (WTO) appellate body found that the means by which China censors content to nominally protect public
morals violates the General Agreement on Trade in Services, which governs international trade.

America’s vacillations on human rights in our bilateral relationship with China are inconsistent with principles that our country stands for in other parts of the world. The United States calls for free and fair elections in many countries, and China should be no exception. Even in our military-to-military exchanges, the PRC has regularly given limited access compared to what the United States has granted visiting Chinese officials, including tours of U.S. military facilities. As noted previously, China’s lack of transparency, especially its restrictions on the free flow of information, runs counter to WTO rules and hurts American businesses. Closely related to transparency is the need to demand reciprocity from the PRC. China’s restrictions on the ability of U.S. civil society organizations, media outlets, journalists, and academic institutions to operate in China run counter to the access and openness of the United States grants to similar Chinese institutions and actors.

When the United States makes universal human rights an integral part of its foreign policy, it demonstrates confidence and consistency. Applying such an approach to China would undo years of damage in which that country was afforded an exception on these concerns. This would generate a positive reaction among many segments of the Chinese populace, whereas failing to promote human rights in China will, over the long term, alienate the Chinese people. America’s authority will be enhanced if the Chinese people look to the United States as a source of moral and political help, just as blind activist Chen Guangcheng did when he sought safe haven in the U.S. Embassy in Beijing in 2012. When the United States stands up for values and principles that are fundamental to our country’s identity as well as universal in nature—such as liberty and human dignity—it reinforces American leadership on the international stage.

SECTION 4: OPPORTUNITY FOR A NEW ADMINISTRATION AND CONGRESS

The Trump administration has a unique opportunity to establish human rights as an integral part of the bilateral relationship with China and to approach China boldly rather than timidly. This would firmly establish a new working relationship with Beijing that puts U.S. values and interests at the forefront. President Trump and Secretary of State Rex Tillerson can demonstrate that human rights are a priority by sending a message through both public remarks and private meetings with the PRC and with Chinese activists and dissidents that their administration will stand for American interests and universal values, including the protection of human rights.

Even if this message does not lead to concrete results immediately, it will convey strength and pay dividends in the long run as Beijing will see that the new U.S. administration is consistent and firm. It is possible that advancing human rights will generate pushback from Beijing’s leaders. However, absent clear statements that it is unafraid to speak out on human rights, the United States risks appearing weak and indecisive. When Secretary of State Hillary Clinton traveled to Asia in 2009, she famously quipped that she would raise human rights issues to the extent that it did not “interfere with [PRC cooperation on] the global economic crisis, the global climate-change crisis and the security crisis.” Secretary Tillerson described his conversations with Chinese officials when he visited in March 2017 as based on “mutual respect.” Those statements reveal timidity toward the PRC on the part of U.S. officials and a willingness to use phrasing preferred by Chinese officials.

Yet, U.S. leaders also have significant leverage on their side. International attention, particularly from U.S. leaders, has been shown to be effective in influencing Chinese human rights practices. For example, when foreign leaders raise the cases of specific prisoners of conscience, the PRC has at times reduced sentences or allowed early medical releases. In a number of cases, even if the individual is not released, they are less likely to be tortured and report receiving better treatment.
SECTION 5: CHINA’S THREAT TO FREEDOM OF EXPRESSION IN THE UNITED STATES

The Trump administration’s task has become more urgent because China’s human rights abuses do not only affect the people of China but now also present a challenge to freedom of expression in the United States. The PRC’s censorship and controls over freedom of speech are being exported to the United States via Chinese investment in the media industry and the expanded presence of Chinese state-owned media outlets in the United States.

As Chinese investment in the United States has grown, surging to an estimated $50 billion in 2016, there are concerns that state-owned media outlets and recent PRC acquisitions in the media industry could threaten free speech and informed debate in the United States. PRC-owned media outlets already have an extensive reach in the U.S. media landscape: for example, Chinese state broadcaster China Central Television dominates the Chinese-language cable market in the United States and English-language paid inserts from the state-run China Daily have already appeared in top American newspapers.

China’s far-reaching media influence is ready to extend further, such as through Chinese company Dalian Wanda’s recent purchase of the Hollywood movie studio Legendary Entertainment. Many Chinese companies are state-owned, and even those that aren’t still face strong government influence. For example, in February 2016, Xi Jinping met with members of the Chinese media to warn that their companies must serve party interests. As a result, there are legitimate concerns that Chinese media companies will use their investment in U.S. movie studios to influence movie selection, favoring movies that avoid sensitive issues, such as Tibet, religious freedom, and individual rights, and censor the content of American movies based on political concerns or even guidance from Beijing. These concerns have already begun to come to fruition: in the past, U.S. movie studios were willing to produce movies about Tibet and the Dalai Lama such as Seven Years in Tibet starring Brad Pitt and Kundun directed by Martin Scorsese. Yet recently, pressure from the Chinese government has succeeded at diminishing Hollywood’s willingness to make movies on issues that Beijing considers sensitive. For instance, this pressure from Beijing resulted in an apology from Disney CEO Michael Eisner for Kundun before allowing the company to build a Disneyland theme park in Shanghai.

To defend freedom of expression in the United States from infringement by China, the Trump administration and Congress should take several steps, including:

- Amending the mandate of the Committee on Foreign Investment in the United States (CFIUS) to establish freedom of expression as a national security issue and to specifically include the media industry. This would require the Committee to take into account potential PRC censorship within the United States when reviewing potential acquisitions by Chinese companies. Currently, CFIUS assesses transactions for risks to national security, such as U.S. businesses that produce advanced technologies or have access to classified information. While it is within the Committee’s mandate to consider other factors it deems appropriate, CFIUS’s approval of the previously mentioned Dalian Wanda group’s purchase indicates that a broader definition of national security that specifically includes protections against censorship are not yet important factors of its review process.

- Pushing for greater freedom of expression in China by citing its WTO commitments. The U.S. Trade Representative (USTR) should submit a new request for information regarding China’s regulation of the internet, similar to the request it made in October 2011. Since it has been more than five years since the previous request, it is reasonable to expect updated information on China’s internet censorship policies. Moreover, the USTR should increase its own transparency by publishing the Chinese government’s response and providing more information in its annual reporting on how China’s internet censorship acts as a trade barrier. After these steps are taken, should it be warranted, the USTR should pursue a WTO dispute on the issue of China’s internet censorship as a trade barrier to U.S. businesses.

- Examining foreign censorship and influence over the U.S. entertainment industry. In light of the exponential
increase in investment in U.S. film companies by private and state-backed Chinese companies, it is imperative to understand the full implications of these investments. Wang Jianlin, the head of Dalian Wanda Group, which has aggressively invested in U.S. media companies, laid out his vision to Reuters: “My goal is to buy Hollywood companies and bring their technology and capability to China.” Given Wang’s apparent open relationship with the CCP, this has already attracted Congressional attention. For instance, Rep. John Culberson called for a review as to whether Wanda violated the Foreign Agents Registration Act. Building on this effort, Congress should trigger a GAO report to examine the influence of Chinese firms with holdings in the U.S. entertainment industry, what connections these firms have to the PRC, and whether these investments are being used to export Chinese censorship and propaganda.

SECTION 6: RECOMMENDATIONS

General Recommendations

Although the executive branch has primary responsibility for foreign policy, including human rights policy, this report also puts forward specific recommendations for other important actors such as the U.S. Congress, the American business community, and non-governmental organizations. These actors have political and economic leverage that in some cases is underutilized. Aside from tailoring recommendations for specific stakeholders, we begin this section by putting forward general recommendations that apply to all sectors.

Champion universal human rights standards. While China challenges the universality of human rights by suggesting that values differ by culture and national conditions, the United States and all international stakeholders should continue to hold China to international human rights standards. The longevity of CCP authoritarian rule should not cause us to forget that the Universal Declaration of Human Rights, first adopted in 1948, protects the right of all people to elect their political leaders. This means that China should not get a pass on the universal ideal of democratic elections. While Chinese leaders once affirmed democratic reform as their goal, they now push back against proponents of human rights and democracy as appropriate for China and have even begun promoting their authoritarian model around the world.

Develop ways to support independent civil society in China despite the new Foreign NGO law. Given the PRC government’s rollback in political and legal reforms outlined previously and the passage of the Foreign NGO Law, international actors should find creative ways to direct their support to independent civil society organizations. Funders supporting Chinese government entities, including government-affiliated scholars and government-organized NGOs (GONGOs) should consider shifting their resources to support independent NGOs, which play a wide-ranging and vital role—from providing services the government is unable to deliver, such as medical care, to protecting Chinese citizens’ rights and ensuring the rule of law by enforcing, for example, environmental regulations and product safety laws. Although the Foreign NGO Law stifles the ability of these groups to partner with U.S. counterparts, the U.S. government, NGOs, universities, and businesses should identify ways within the confines of the law to support their counterparts in China and, at the same time, steadfastly champion the necessity of preserving space for Chinese NGOs to function. It is imperative that U.S. actors oppose a rigid implementation of this law, as it sets a dangerous precedent of wide-ranging control that could eventually affect U.S. businesses and any foreign entity operating in China. In order to do this, actors providing support for human rights, rule of law, and democracy projects should adjust reporting requirements or provide secure channels for reporting on project progress. Given China’s cyber-surveillance capacity, some accountability and transparency processes required by foreign donors actually put partners in China at great risk. Moreover, U.S. technology companies should be encouraged to improve data security for U.S.-based NGOs working in China and develop secure channels for reporting.

Encourage a race to the top and a retreat from the bottom. All actors engaging with China should consider ways to encourage a race to the top by emphasizing human rights criteria in their engagement with China.
The civil society sector might try to encourage this by tracking human rights abuses by locality, and regularly reporting on these issues, perhaps even developing a database that other actors could turn to when making decisions on China-based partnerships and activities. For businesses deciding on areas to invest in or base their operations, this could translate into avoiding localities known for severe human rights abuses, while choosing to do business with local governments that have made inroads in respecting human rights. Likewise, local governments might use similar criteria as they approach sister-city relationships. While U.S. academic institutions in China have been subjected to severe controls, it also behooves them to select locations or partner institutions with better records for protecting academic freedom and freedom of expression. Consistently applying this kind of criteria could create positive incentives for local governments and other entities to protect human rights within their ability to do so, which would hopefully encourage a race to the top.

Frame human rights in ways that appeal to the Chinese public. Human rights are not just esoteric standards or Western ideas to be imposed on others; they are universal, with no country granted special status to overlook or abuse them. They offer practical ways to guarantee the protection of people from the state. International actors should present human rights as universal and relevant to Chinese citizens’ lives. For political and business elites, the growing PRC “anti-corruption” campaign and the treatment of the former head of China’s security services, Zhou Yongkang, the most senior politician to be convicted of corruption charges, create fear that even China’s political and business elites could be targeted. As a result, this sector may become more interested in freedom from arbitrary detention, arrest, torture, and the right to a fair trial. For everyday Chinese people, there are a number of issues that widely resonate as being relevant to their everyday lives, including the right to petition their government, especially important given popular frustration over corruption; the protection of property rights in light of the frequency of forced relocations; transparency and anti-corruption given concerns about official corruption and excessive government power; and environmental and consumer rights given concerns about the safety of products and pollution.

Moreover, as religion gains ground in China, many citizens would like to enjoy greater space to worship freely.

Tailor policy tools. External actors should employ a variety of tools to advance human rights in China, including both public pressure and cooperative assistance. This varied approach could be tailored to different human rights violations in China. For example, on issues that China has indicated a desire to reform, such as the death penalty and the household registration system, a cooperative approach, including offering outside legal and policy expertise, might be most appropriate. At the same time, public pressure would likely be most appropriate in addressing human rights issues that the Chinese government is resistant to acknowledge or improve, such as minority rights, religious freedom, and censorship, including the detentions of independent activists. The severity of some of these human rights violations might call for more public policy tools, such as raising these issues in the UN Human Rights Council, pressuring local officials, or sanctioning individuals.

For the Administration

Over the years, the U.S. executive branch has traditionally played one of the most important roles in advancing human rights, although the level of enthusiasm for this cause has varied from administration to administration. Thus far, the Trump administration’s de-emphasis of human rights is worrisome. At a minimum, President Trump and Secretary Tillerson should raise these issues in bilateral meetings, make public remarks, and meet with independent human rights activists as President George W. Bush did when he invited Chinese human rights lawyers to the White House. Secretary Tillerson should also reengage with key Department of State human rights activities, such as the rollout of the Human Rights Report. Underlining the vital role of the executive branch, this section outlines key recommendations for the Trump administration with particular actions that the White House, the State Department, the U.S. Trade Representative, and other cabinet-level agencies can take. To some extent, these are steps that other like-minded governments should consider as well.
**Adopt a whole-of-government approach.** The United States will be most effective if human rights are embedded within its broader U.S. policy toward China. The work of promoting human rights, including meeting with activists, should not be left to the U.S. Secretary of State, let alone relegated to the Assistant Secretary of State for Democracy, Human Rights and Labor. President Trump and his entire cabinet should also see this as part of their mandate across the full spectrum of American engagement with China, and should personally meet with activists, call attention to cases of PRC prisoners of conscience that they raise with their counterparts, and incorporate the relevance of human rights into other key issues. For example, the Secretary of Commerce should discuss the ways that restricting freedom of expression hurts U.S. businesses as well as China's own economic growth and address the cases of any Chinese business leaders who have been detained or imprisoned.

**Match diplomacy with China’s human rights conditions.** Human rights and democracy should be one important condition, albeit not the only one, for determining diplomatic protocol. Given the expanded repression under Xi noted earlier, the United States should reconsider the diplomatic courtesies extended to China, such as elaborate ceremonial and formal state visits, and opt instead to host Chinese leaders for official or working visits. This diplomatic standard would ensure that fellow democracies and countries that respect human rights are preferred for the honors of a formal state reception. This is not to argue against engagement between our two countries—needless to say, that remains essential. But it does call for reducing the pomp and circumstance when it comes to protocol and conditioning more elaborate visits on the Chinese government’s agreement to make improvements, such as the release of dissidents Liu Xiaobo, the only jailed Nobel Laureate, and Ilham Tohti, an ethnic Uighur, economist, and peaceful critic of the government; lifting internet firewalls preventing PRC activists from viewing U.S.-based websites; and amending the Foreign NGO Law, which places restrictions on U.S. NGOs. Downgraded diplomacy might mean that U.S. officials also forego certain diplomatic ceremonies when they visit China. However, given the importance China ascribes to its international image, this course of action would send a strong signal to the PRC.

**Demand reciprocity in U.S.-China relations.** The Trump administration should seek to rectify the growing imbalance in American and Chinese openness toward civil society, media, and academia. Whereas the United States allows unfettered access for Chinese journalists, websites, and other media, China is increasingly restricting access to U.S. counterparts, including blocking access to U.S.-based websites and news outlets, like Google, YouTube, Facebook, Twitter, Dropbox, Reuters, the New York Times, Bloomberg, Time, and the Wall Street Journal, as well as denying visas to American academics and journalists, like Reuters journalist Paul Mooney, whose visa was delayed for eight months and ultimately denied due to his reporting on China’s human rights abuses. Chinese authorities also routinely restrict Americans from traveling to Tibetan areas, for which reason Senators Rubio and Baldwin in the Senate and Congressmen McGovern and Hultgren in the House of Representatives introduced bipartisan legislation to promote reciprocal access by Americans to Tibet. The legislation would restrict access to the United States by Chinese officials in charge of creating policies on travel to Tibetan areas until China eliminates discriminatory travel restrictions against Americans. This one-sided censorship, coupled with the growing number of Confucius Institutes and Confucius Classrooms located in the United States, enables Chinese authoritarian influence to shape perceptions in and of the United States. The administration should call for the Chinese government to cease denying visas to American journalists, academics, and civil society members. Moreover, any U.S. official traveling to China should insist on free access to domestic and international press to cover their visit.

**Engage with the Chinese people and independent civil society activists.** U.S. officials often focus on their government counterparts while failing to engage other actors within China. U.S. diplomacy should not neglect the importance of diplomat-to-people diplomacy, and thus should make a priority of meeting with civil society activists, independent scholars, and even business people to discuss issues of human rights. Meetings with dissidents should begin at the presidential level. In contrast to President Obama—who met with the Dalai Lama and then refused to let him exit via the formal, main entrance of the White
House, leaving him to walk next to heaps of trash—President Trump and his administration should not shy away from meeting with independent human rights activists at the White House. A positive example of such engagement is when an officer of the U.S. Embassy in Beijing read a statement in December 2015 outside the courthouse after human rights lawyer Pu Zhiqiang’s sentencing. This gesture showed solidarity with the people of China.

**Don’t limit human rights to “quiet diplomacy.”**
Stove-piping human rights and limiting human rights discussions to the bilateral human rights dialogue have not proven effective. Nearly two decades of bilateral human rights dialogues with over ten countries has resulted in few if any, meaningful human rights improvements in China. In fact, the repression under Xi suggests, in fact, that the situation has deteriorated. The Trump administration should reevaluate the effectiveness of the bilateral human rights dialogue, and even consider ending it. Should the administration decide to reinvigorate these formal bilateral discussions, ways to improve the dialogue include making it less private and more public, ensuring that independent domestic actors are included, and making it a joint dialogue by including other countries that are concerned about Chinese repression. At the very least, the United States should develop clear benchmarks to gauge positive change, and should condition continuation of the dialogue on meeting these metrics. Most importantly, the Trump administration should mainstream human rights by not confining the issue to closed-door discussions, since the PRC appears to respond more to public and multilateral human rights pressure. President Trump should speak out publicly and instruct high-level administration officials to do the same.

**Imose penalties for officials responsible for violations of human rights.**
President Trump and his administration should utilize legislation, including the Global Magnitsky Act, which was passed in December 2016, and the International Religious Freedom Act (IRFA), which was passed in 1998, as a basis to enact visa restrictions on Chinese officials who are known to have engaged in or ordered human rights abuses. The Global Magnitsky Act applies sanctions on any human rights abuser or corrupt official, and under IRFA, foreign government officials who have engaged in “particularly severe violations of religious freedom” and their spouses and children can be denied entry to the United States. Focusing penalties for human rights abuses on individual officials can reduce impunity for human rights violations and also deter individuals from participating in abusive government policies. While the executive branch has not yet imposed restrictions on any individuals, it is important to ensure that the first set of restrictions includes Chinese officials responsible for human rights abuses.

**Cooperate multilaterally with fellow democracies.**
The United States can work with other democratic countries in Asia and Europe, as well as Canada, to more effectively advance human rights. This multilateral collaboration would include speaking together in the United Nations, entering into joint efforts, such as a multilateral dialogue or jointly funded projects, and coordinating other approaches, such as lists of individuals detained for political or religious reasons. A successful example of a multilateral effort that should be emulated is the 2016 joint statement that the United States organized with other Western countries at the UN Human Rights Council, which drew attention to worsening human rights abuses, including the extraterritorial abduction of booksellers in Hong Kong. China is especially sensitive to public action and statements, and the multilateral backing of the statement created a more powerful message. This type of coordinated international pressure is especially appropriate for human rights abuses that China is resistant to addressing, such as peaceful political dissent, ethnic minorities including Tibetans and Uighurs, and calls for democratic reform.

**Link China’s human rights performance with U.S. cooperation on extradition and corruption.**
The PRC is eager to cooperate with the United States on corruption and extradition, particularly the extradition of Chinese officials who have fled to the United States to avoid facing corruption charges. While the PRC is plagued by corruption problems, the “anti-corruption” campaign under Xi has also been politically motivated, and Xi has used it to undermine his perceived political opponents. Moreover, given China’s law enforcement and criminal justice abuses, the United States should raise concerns about torture and lack of due process.
Because the PRC seeks greater bilateral cooperation in
these areas, the United States can use this as leverage
to condition further cooperation on human rights
improvements.

Use caution in counter-terrorism and law enforcement
coop eration. Although the United States and its
Intelligence Agencies, including the Federal Bureau
of Investigation office in Beijing, should work to
cooperate with China where possible, the protection of
human rights must be safeguarded. While China faces a
legitimate terrorist problem, there is also a documented
historical pattern of the Chinese government’s labeling
peaceful domestic activists as terrorists. U.S. terrorism
policies should carefully delineate between domestic
political dissent and terrorism to ensure that U.S.
intelligence is not manipulated by the PRC to crack
down on Chinese citizens that are exercising their
fundamental freedoms of expression.

For the U.S. Congress

Historically, the U.S. Congress has played a crucial
leadership role in championing human rights. Indeed,
it is the U.S. Congress that legislated human rights
into U.S. foreign policy by creating the Bureau for
Democracy, Human Rights, and Labor and requiring
annual reports on the human rights practices in every
country, which play an essential role in documenting
human rights abuses around the world. Congress has
also used its power of the purse to directly promote
human rights where it is most needed by funding
support for civil society in repressive environments
as well as using its authority to hold hearings over
global and region-specific human rights concerns.
For instance, only after the House Committee on
Foreign Affairs questioned the U.S. company Yahoo!
in 2007 on the role it played in aiding the Chinese
government in arresting journalist Shi Tao did the
company publicly apologize, recompense Shi Tao’s
family, and promise to develop an industry code that
upholds human rights. As such, members of Congress,
especially those sitting on key committees, such as the
Tom Lantos Commission on Human Rights, the House
Foreign Affairs Committee, and the Senate Foreign
Relations Committee should continue encouraging the
administration and other American sectors to promote
human rights while also continuing to undertake their
own principled human rights advocacy.

Hold the administration accountable. Congress
should use the tools at its disposal to ensure that
the Trump administration takes meaningful steps to
incorporate human rights into its bilateral dealings
with China. For example, U.S. lawmakers could hold
Congressional hearings on issues such as: ways that the
administration should employ the Global Magnitsky
Act as it relates to China; administration efforts to
ensure that China does not censor Hollywood; and
the Trump administration’s action to ease internet
restrictions that prohibit Chinese citizens from
accessing U.S. news, business and data storage websites.
The use of Congressional hearings and letters from
Members of Congress addressed to officials in the
administration are effective methods to keep human
rights issues on the administration’s agenda.

Expand Use of Congressional Tools. In addition to
holding hearings on critical questions of ongoing
human rights developments, individual members
of Congress should continue to expand their use of
especially effective tools to improve human rights.
Members should raise public attention on human
rights issues by making floor statements, for instance
on significant anniversaries of human rights events.
Moreover, Congressmen can play an important role
for individual human rights defenders by adopting
individual prisoners of conscience and raising their
cases when interacting with Chinese officials, especially
from provincial and city levels. The Tom Lantos Human
Rights Commissions’ Defending Freedoms Project,
which encourages members of Congress to support
prisoners of conscience, is a powerful example of this
type of advocacy.

Urge the private sector to be responsible. When Yahoo!
CEO Jerry Yang was asked about jailed journalist Shi
Tao’s case before Congress, this was a powerful way for
Congress to remind the business sector of its moral
responsibility. Congress should play a robust role in
holding hearings to question American companies
about their business practices. As mentioned previously,
the issue of censorship and infringement on freedom
of expression in the United States due to Chinese
investments in U.S. media companies and universities
is of particular concern as a threat to freedoms in the United States. And Congress should also press for stronger enforcement of the Foreign Corrupt Practices Act, which imposes penalties on U.S. businesses that support corruption by paying bribes.

**Continue to invest in freedom of expression.** The U.S. Congress should allocate increased resources to overcome the PRC’s Great Firewall. For example, financial support for Voice of America (VOA) and Radio Free Asia (RFA) should be expanded, along with clear mandates for VOA and RFA to develop and implement technologies that stay ahead of PRC censorship efforts. The United States should also support the development and implementation of technology that allows internet users in China to vault over the “Great Firewall” of censorship.

**For the Business Sector**

U.S. businesses have a significant amount of power to influence Chinese human rights policy via economic pressure: in 2015, U.S. foreign direct investment in China reached over 74.5 billion U.S. dollars and the United States remains the most attractive destination for Chinese outward investment, reaching a record high of 50 billion U.S. dollars in 2016. In addition, the United States is the second largest importer of Chinese goods. As noted previously, China’s restrictions on human rights hurt U.S. business interests both for internet companies that face censorship or restrictions and for U.S. businesses whose potential Chinese customers are unable to access information on their businesses via the internet. As noted by the office of the U.S. Trade Representative, small- and medium-sized enterprises have expressed concern about the adverse business impact of restricted access to their websites. By taking the following actions, businesses can contribute to a more stable and transparent environment for themselves and Chinese citizens alike.

**Continue to press the Trump administration to use the WTO to encourage transparency.** As noted previously, China has been questioned by the WTO about its internet censorship practices as a potential trade barrier. For example, in response to Google’s pressure, USTR submitted a request for information in October 2011. The business community should press the Trump administration to raise bilaterally and multilaterally in the WTO the need for the PRC government to respect freedom of expression and access to information as it serves as a barrier to trade. Further, the business sector should push for the USTR to make China’s response to this request public to increase transparency and bring greater clarity to China’s opaque and restrictive regulations.

**Support the rule of law in China.** A sound legal system with an independent and professional judiciary is in the business community’s best interests, as it creates a stable environment for investment. It also supports the rights of individual Chinese citizens, including many who have suffered under an unjust criminal justice system that assumes guilt. This reality has already had devastating consequences for American business people: take for example the case of 55 year-old American businesswoman Sandy Phan-Gillis, who was arrested in 2015 at the Macau border by the China Ministry of State Security. The Chinese government failed to produce evidence of Mrs. Phan-Gillis’s alleged spy activities, but given the lack of due process in the Chinese judiciary system and the PRC’s manipulative use of the law to detain individuals for political reasons, she remained detained for more than two years. As numerous wrongful death cases in China demonstrate, Chinese authorities have failed to accept the rule of law, and instead the PRC’s legal system remains heavily politicized. This is an area where there is room for businesses, and law firms in particular, to express their support and to provide funding to bolster rule of law reforms with a focus on activities that will strengthen independent legal advocates through education, mentoring, and training.

**Develop robust corporate social responsibility programs in China.** This is especially important given the limitations imposed by the Foreign NGO Law, which increases obstacles to foreign NGOs wishing to fund or participate in activities in China. As the Foreign NGO Law forces many foreign NGOs to back away from their work in the PRC, businesses can step in to fill the gaps in Chinese civil society. This can be done by providing funding for domestic NGOs that are not government-affiliated, especially those working in areas of human rights generally deemed less threatening by the
government, such as children’s rights, women’s rights, and environmental rights. American businesses may have more leeway to fund these activities and to frame these projects as intending to support the interests of their Chinese consumers. Moreover, as China attempts to undermine the universality of human rights and distort U.S. efforts to promote human rights and by extension NGO activities, businesses are uniquely situated to improve the human rights situation and contribute to the well-being of Chinese citizens.

**Develop strategy and technology to resist censorship.** With the new counterterrorism and cybersecurity legislation, there is a renewed risk that U.S. companies will be pressured to provide information about their users to the Chinese authorities in ways that would violate Chinese citizens’ right to privacy and potentially facilitate the imprisonment of peaceful activists or persecuted minorities. Past cases, such as when Yahoo! provided information to Chinese authorities that was used to arrest the journalist Shi Tao, and more current issues, such as how LinkedIn has censored certain user information and communication and how Apple has removed the New York Times application in China, show that U.S. companies need to develop a strategy to effectively counter PRC censorship efforts rather than assisting them. Moreover, U.S. technology companies should also fund anti-censorship efforts and circumvention tools, as such efforts would both benefit U.S. companies whose websites are consistently blocked by PRC censorship, and also help promote the spread of free information on human rights and other issues deemed “sensitive” by the PRC.

**For Civil Society**

America’s academic institutions and NGOs also have key roles to play in advancing human rights in China, particularly through citizen-to-citizen interactions and exchanges, as well as academic programs, that have the promise of expanding cooperation and building ties between the people of our two countries. For example, U.S. colleges and universities have over 200 programs and partners in China, including more than 24 branch campuses. Many U.S. organizations were also part of the more than 7,000 foreign NGOs operating in China at the end of 2016. While the passage of the Foreign NGO Law will likely make it more difficult for NGOs and universities to play a robust role in promoting human rights in China, there remain a number of recommendations that U.S. non-profits can advance vis-à-vis China.

**Provide documentation and analysis.** NGOs can catalyze other efforts, including some of the recommendations offered in this report, through clear documentation and incisive analysis. For example, civil society actors could provide evidence and documentation on known human rights abusers and lobby for certain individuals to be subject to visa restrictions under the Global Magnitsky Act. Similarly, NGOs could provide analysis that would help other actors make selective decisions about their involvement in China. This would enable the private sector to encourage a race to the top and retreat from the bottom, as local governments compete for resources and engagement by protecting human rights.

**Insist on academic freedom and access to information in educational partnerships with China.** Considering the increase in U.S. universities establishing programs and campuses in China, these educational entities should safeguard freedom of expression, academic freedom, and free and open use of the internet on their campuses in China. A 2016 GAO report assessed that, of the U.S. university programs in China, almost none of the ones surveyed pushed for free access to information that included unrestricted access to the internet. In fact, some universities’ documents included language binding students to use the internet in accordance with the regulations of the institution in China, which would subject them to significant censorship. U.S. universities with programs in China should include these principles in their written agreement upon establishing their programs, including language on unrestricted internet access and respect for the freedoms of speech, assembly, and religion. U.S. universities should be encouraged to coordinate their policies and share their experiences in securing these freedoms in their programs. If all U.S. universities established this as a standard requirement, it would send a clear message to their Chinese partner institutions. To facilitate this recommendation, the American Association of University Professors (AAUP) should adopt a resolution affirming common standards and best practices for American universities operating in China—as well as in other countries with repressive
regimes. Academic freedom must be safeguarded at U.S. campuses as well. In 2014 the AAUP issued a statement noting that Confucius Institutes in the United States have had a negative effect on free and open academic discourse. The AAUP argues that by entering into partnerships with these PRC-supervised institutions, “North American universities permit Confucius Institutes to advance a state agenda in the recruitment and control of academic staff, in the choice of curriculum, and in the restriction of debate.” As such, U.S. universities should actively ensure transparency and academic freedom with regards to Chinese government-funded educational initiatives in the United States.

**Engage with PRC students studying in the United States.** The high caliber of U.S. higher education is a unique soft power that attracts large numbers of students from all around the world, including China. According to the International Institute of Education, China has been the leading country of origin for a majority of all international students studying in the United States. In 2015-2016, over 320,000 students from China arrived in the United States. U.S. universities, symbols of freedom of expression and thought, should deliberately engage with Chinese students to discuss ideas like human rights, democracy, rule of law, and other liberal ideas to foster independent thinking among young Chinese academics. NGOs should also be urged to develop programs that specifically engage Chinese students studying in the United States. Such programs might be focused on better understanding the U.S. political system. Professors, administrators, and student organizations should reach out to international students and foster free debate on democratic norms. Additionally, universities should protect academic freedom by guarding against efforts by the PRC to monitor or mobilize their nationals studying in the United States.

**Coordinate response to the Foreign NGO Law.** Academic institutions, U.S. businesses, and NGOs should coordinate and consult with each other on the implementation of the Foreign NGO Law and, if necessary, present unified positions to the Chinese government on issues of concern, particularly on crackdowns on their Chinese counterparts and excessively restrictive implementation of the Foreign NGO Law. NGOs should keep in mind that the resources they bring to China are valuable to the country, giving them some leverage. They should also refuse to compromise on the principles that animate their work, such as affirming transparency, the role of civil society, and individual freedoms. As such, they should focus on activities that actually improve the situation of Chinese citizens.
Endnotes


Due in large part to high population densities along rivers and low-elevation coastal zones, Asian countries have among the highest numbers of people exposed to the impacts of climate-related hazards and, thus, at greatest risk of mass death. Floods, droughts, and storms have always tested civilian governments and international humanitarian aid agencies. However, climate change threatens to make the problem worse by increasing the intensity and possibly the frequency of climate-related hazards.