

**US Commission on International Religious Freedom: China Forum 2004**  
**“Talking With China about Human Rights:**  
**Assessing the Future of Bilateral Human Rights Dialogues”**  
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**Submission by Human Rights in China**



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Human Rights in China (HRIC) is an international, non-governmental organization (NGO) founded by Chinese scientists and scholars in March 1989. Our mission is to promote universally recognized human rights and advance the institutional protection of those rights as a fundamental parameter of China's social and political transformation. In addition to extensive individual case advocacy on behalf of political prisoners, HRIC's multi-pronged strategies include bilateral and multilateral efforts, such as participation in the EU-China Dialogue Human Rights Seminars, and the preparation of a preliminary assessment jointly submitted with the International Federation for Human Rights (FIDH) to the EU prior to the official assessment process.

Since the suspension of the US-China dialogue by China earlier this year, the US administration has re-instituted a number of high level contacts and meetings with China. Because of the timeliness and importance of this discussion, HRIC welcomes this opportunity to provide some input and suggestions as the US administration considers whether and how to resume the dialogue with China.

As the US-China bilateral dialogue is just one of many that have been initiated by governments, HRIC supports the comparative approach adopted by the US Commission on International Religious Freedom (USCIRF) that includes sharing of the experience of other dialogues. HRIC makes this written submission to USCIRF as a contribution to the discussion of assessment issues as well as to make suggestions for improving the dialogue process. As a number of NGOs and civil society groups, including HRIC, have pointed out, the dialogue process as a whole presents serious problems including lack of transparency and accountability, and their overall politicization.

In addition to pointing out the weaknesses of bilateral dialogues, HRIC, together with its NGO partners such as the International Campaign for Tibet and the FIDH, have developed and submitted concrete constructive proposals for improving the dialogues. HRIC and FIDH's preliminary assessment of the EU-China dialogue links the eight benchmarks announced by the EU to a number of human rights indicators developed by UN and other multilateral bodies and international NGOs that focus on governance, human development, poverty, press freedom, and health.

As the USCIRF and the US administration considers what added value the resumed US-China bilateral dialogue can bring to the larger effort to expand and promote civil society in China, HRIC would like to respectfully make the following suggestions.

- Benchmarks: In order for bilateral dialogues to be effectively assessed and developed, there must be transparent, specific, and measurable benchmarks. It is critical to set benchmarks that are useful and useable, and we suggest using those that include:
  - Both long-term and short-term assessments
  - A focus on individual cases as well as broader structural issues
  - The benchmarks must be applicable to and measure different kinds of interventions. For example, technical assistance programs should be subjected to a rigorous assessment within a human rights framework.
  
- Assessment: In the consideration of hosting an assessment of the bilateral dialogues, we respectfully urge the USCIRF to work closely with and build on other assessment processes, such as the Bern process, and ensure that any US-based process strengthen and contribute to existing processes and initiatives.
- In addition, it may be useful to consider an independent third-party assessment process, such as that used in the corporate social responsibility (CSR) arena, or develop a process that is more inclusive of multiple stakeholders.
  
- Transparency: In order to avoid the weaknesses of past dialogues, transparency must be more fully implemented in any resumed dialogue. NGOs must at the very least be included as observers and be allowed to make written submissions to the meetings. In addition, agendas should be made available in advance in order for NGOs to more fully participate and bring their added value and expertise to the process.
- One way for the US and other dialogue partners to promote greater participation for independent social groups, scholars and lawyers is to allow for greater participation of those individuals and groups in the preparatory process in order to set a more effective agenda for dialogue.
  
- Coordination and Coherency: The various bilateral processes have at stake a diversity of agendas and national interests, yet it is beneficial for human rights assessments to share efforts and develop common benchmarks and deliverables, thus building on different strengths and creating a coherent shared assessment criteria.
- Similarly, more effective coordination and information sharing must be developed with the UN and its human rights mechanisms. Specifically, there should be more systematic and timely sharing of information on individual cases, country submissions and upcoming missions. Special attention should also be given to the impact of a resumed dialogue and whether it strengthens or undermines related multilateral human rights processes, norms and institutions.
- Recognizing the complexity of official/unofficial and public/private communications, we also urge that more rigorous attention be given to ensuring that a clear and coherent human rights message is conveyed by the US administration to avoid an undercutting of overall goals by perception of divergent policy voices.