

BEIJING'S HUMAN RIGHTS EXHIBITION

BY LIU XIAOBO

China's first major human rights exhibition, for all its shortcomings, indicates that pressure from within China and abroad is compelling the government to acknowledge the existence of universal human rights values.

At the very time that it was tightening its censorship and control of the media and the Internet, clamping down on the rights defense movement, intensifying its monitoring and control of dissidents, and drawing up a general contingency plan for the army to deal with "sudden incidents," the Chinese Communist government organized its first-ever major exhibition on "Human Rights in China." Sponsored by the Information Office of the State Council, the China Society for Human Rights Studies and the China Human Rights Development Foundation, the exhibition was held at the Beijing Cultural Palace for Nationalities from November 17 to 26, 2006. Admission was free to the public.

According to official media reports, the exhibition was divided into 12 main themes, comprising 703 photographs, some 250 legal documents and related objects, 330 books and 24 charts. He Luli, vice chair of the Standing Committee of the National People's Congress, and Luo Haocai, Vice-chairman of the National Committee of the Chinese People's Political Consultative Conference, opened the exhibition with a ribbon-cutting ceremony that was attended by representatives of the Central Propaganda Department, the International Liaison Department of Central Committee, the Legislative Affairs Commission of the National People's Congress, the Foreign Ministry, the Ministry of Justice and the State Nationalities Affairs Commission.

An exercise in hypocrisy

The most salient feature of this human rights exhibition was its hypocrisy. The Beijing Human Rights Exhibition was meant to show the world how much progress the Chinese Communist (CCP) government has made in the area of human rights in advance of the 2008 Olympics. The official media declared: "This exhibition will be open to foreign friends to give them a better understanding of the human rights situation in China"; "It will let the world witness new developments in the cause of

human rights in China." But in fact, it is the growing awareness of rights among ordinary Chinese people, the increasing strength of the rights defense movement, and the global tide of liberal democracy and human rights diplomacy from the United States and other Western countries that have exerted so much pressure on the CCP government that is now feels compelled to acknowledge the universal validity of human rights.

Highlighting progress, glossing over abuses

The exhibition declared that the "Chinese Communist Party strives for, protects and develops human rights. The Party has consistently upheld the protection of human rights." It touted the "tireless promotion" of human rights by several generations of Chinese Communist leaders, including Mao Zedong, Deng Xiaoping and Jiang Zemin, as well as Hu Jintao. The exhibition also argued that since the People's Republic of China was founded more than half a century ago, and particularly since the reform and opening up policy was launched in 1979, the government has made great strides in the cause of human rights. Visitors were told of China's promotion of the people's right to subsistence and development, the improvement of the people's political, economic, social and culture rights, the improved legal protection of human rights, the protection of the rights of ethnic minorities, women, children, the elderly and the disabled, and the government's energetic efforts in the fields of international cooperation and communication.

But the exhibition studiously ignored the long series of human rights disasters resulting from the CCP's one-party dictatorship in China. There was no mention of the many outrages against human rights of the Maoist era—the land reform, the mass campaigns against counterrevolutionaries, the campaigns against rightists, the Great Leap Forward, or even the Cultural Revolution, which the government itself has called a "great disaster." Nor was there any hint of the purges against the "Gao-Rao anti-Party clique," the "Peng Dehuai anti-Party clique," the "Liu-Deng anti-Party clique" and the "Lin Biao and Gang of Four anti-Party clique" and the human rights abuses that accompanied them.

The exhibition also turned a blind eye to the government's human rights failures since the reforms were launched, including the regime's drive against western "spiritual pollution" in 1982–1983, the anti-liberalization campaign against intellec-

tuals in 1986 and 1987, the Tiananmen Massacre of 1989 and subsequent persecution of participants and their families, and the large-scale and brutal repression of Falun Gong practitioners and ordinary citizens trying to defend their rights. It also failed to acknowledge that although economic reforms have brought ordinary people some economic benefits, property rights and individual liberties continue to be violated and society has become increasingly polarized, particularly with respect to access to medical care and education.

A distorted presentation of history

The exhibition offered an interpretation of human rights “with Chinese characteristics,” insisting that “national sovereignty is paramount” and the “right to subsistence is primary.” This distorted interpretation of human rights should in fact not be blamed on “Chinese characteristics”; rather, it is human rights “with the characteristics of a dictatorship.”

Dong Yunhu, vice-president and secretary-general of the China Human Rights Research Society, made the following argument in an interview with Xinhua News Agency:

Human rights are both universal and particular. In the pursuit of fundamental human rights ideals, China and the West share a great deal of common ground, but due to historical, environmental, cultural and social factors, there remain obvious differences between China and the West in the understanding and realization of human rights.

First of all, China and the West have different human rights histories. The West initiated its modernization on its own, but China took a more passive approach to modernization after suffering imperialist aggression.

Second, when the concept of human rights was first formulated in the West in early modern times, the emphasis was on individual and political rights, with the aim of resisting monarchical and ecclesiastical power and hereditary privileges. But in modern times, China faced the twofold oppression of imperialism and feudalism. Imperialism in particular was a human rights disaster for China. For this reason, China ultimately decided to take a distinct human rights path leading to national independence and national liberation followed by individual freedom.

Third, achieving the collective human rights of national independence and liberation quite naturally became our principal human rights objectives. The realization of individual rights was out of the question before the problems of national sovereignty and independence could be resolved. Only once the collective human rights of the Chinese people were realized could we take the next step and realize individual rights. The establishment of a New China signaled the realization of China’s collective human rights and laid the foundation for individual human rights.

Fourth, given that China’s basic national conditions—notably its huge population, low economic starting point, low per-capita income and relatively poor natural conditions—are very different from those of Western countries, the people’s right to subsistence and development has emerged as the principal human rights concern in China’s historical context.

This interpretation of human rights enables the Chinese

government to defend even the Maoist period, when there were no human rights whatsoever. Accordingly, one of the prominent themes of the exhibition was that “history demonstrates that national sovereignty takes precedence over citizens’ rights.” Visitors were told that for more than a century, from 1840 to 1949, aggression by the imperialist Great Powers and corrupt government by Chinese reactionaries caused the Chinese people to be “deprived of the most basic guarantee of their personal safety and personal dignity,” but upon the CCP’s assumption of power on October 1, 1949, “the development of human rights in China entered a new era.” It is hardly surprising that a CCP exhibition that advances the absurd proposition that national sovereignty takes precedence over universal human rights and that collective rights take precedence over individual rights should whitewash the horrific list of human rights disasters of the Maoist period.

The CCP government not only denies its citizens the most basic guarantee of individual rights, but also insists on an arbitrary subordination of political rights to the right to subsistence, food and clothing. To be sure, compared to the Maoist period, when human rights were non-existent, China’s human rights situation has improved somewhat since the reform and opening up policy was initiated. But the biggest, and only, human rights achievement the CCP government can brag about is an improvement in material living standards. Consequently, the exhibition gave more weight to economic development and improved living standards—the people’s right to subsistence and to food and clothing—than to anything else.

The exhibition explained: “Since the reform and opening-up policy was adopted, the Chinese government has placed economic construction at the center of its work. By promoting the fast and healthy development of China’s economy, the government has made two historic strides, first by lifting the Chinese people out of poverty to a level of being well fed and clothed, and secondly by going from there to a comparatively good living standard, fundamentally improving the living and development conditions of the entire Chinese people.” The exhibition also noted that in the past 20 years, 10 million Chinese have been lifted out of poverty each year.

But the exhibition glossed over other human rights problems in China, particularly the right to political participation and the lack of freedom of speech. The truth is that whether or not citizens enjoy other civil rights has a direct bearing on whether their right to subsistence is guaranteed. For example, the lack of freedom of speech and of the right to assemble, strike, demonstrate and protest is certainly among the most important of the factors contributing to the phenomena of sweatshops, forced evictions and frequent mine accidents. Likewise, during the SARS crisis, the CCP government seriously threatened social development and the people’s right to life by depriving Chinese citizens of their right to know and their freedom of speech.

Because ordinary people are deprived of political rights such as freedom of speech, the right to set up independent NGOs, equality before the law and the right to vote, citizens whose rights are violated are unable to obtain redress within the system and therefore have no choice but to try to defend

their rights outside of it. As a result, the number of clashes between ordinary citizens and government officials has skyrocketed in recent years.

This illustrates the absurdity of the “right to subsistence and right to development” played up in the CCP’s Human Rights Exhibition, and shows that respecting human rights requires an appreciation of the integrity of the entire human rights corpus. Political rights not only contribute to guaranteeing the rights to subsistence and development; they are an essential prerequisite for them.

Rights in name only

On entering the main exhibition hall, visitors were greeted by an eye-catching banner that read: “The Constitution: the Guarantee of the People’s Rights.” This section of the exhibition aimed to show that the CCP government attaches great importance to the construction of democratic legal institutions) and is establishing the rule of law as the fundamental guarantee for human rights.

It is true enough that every constitution promulgated by the CCP government since the 1950s has enumerated a series of civil rights.¹ Since the reform policy was initiated, the government has instituted some localized institutional reforms and has drafted laws and regulations that borrow some of the language common to most civilized legal systems. In March 2004, the Second Session of the Tenth National People’s Congress passed an amendment that incorporated the term “human rights” for the first time into the Chinese Constitu-

tion, and specifically declared that “the State respects and safeguards human rights.”

But as long as the Communist Party’s dictatorial status is enshrined in the Chinese Constitution, China will have a constitution but no constitutional government, and the rights provided for in the constitution will not be upheld in judicial practice. During the Maoist period, the regime defied laws both human and divine and showed utter disregard for the rights of the Chinese people. Since economic reform was initiated, the government has trumpeted the “rule of law,” but judicial organs are not public institutions that guarantee human rights, but rather Party tools that do the dictatorship’s bidding, suppress popular dissent and deprive ordinary citizens of their rights and freedoms. China still has more laws against crimes of conscience than any other country, and has promulgated a host of laws against “incitement to overthrow state power,” “espionage” and “advocating religious cults” in the name of national security. The Chinese authorities routinely arrest and silence journalists and dissidents on charges of corruption, financial fraud, patronizing prostitutes and other non-political offenses.

At the same time, a great many human rights abuses occur when law enforcement officers fail to enforce the law or violate the law themselves. For example, although petitioning the authorities for the redress of grievances is both legal and reasonable, the vast majority of petitions are ignored, and most petitioners are prevented, often by brutal means, from traveling to the capital to lodge their complaints. Police also employ a variety of illegal methods to harass those who have incurred



Visitors at Beijing’s human rights exhibition on its opening day. Photo: AFP/Getty Images

their displeasure; they tap their phones, tail them whenever they leave their homes, station police details in front of their homes, place them under house arrest, force them to return to their home province and have them fired from their jobs. Prisoners of conscience are routinely denied due process of law, access to a lawyer or the ability to defend themselves in court. They are also subjected to ill treatment in prison, and their families are harassed.

The government claims to “govern by law” when in fact it is now “ruling by bad laws.”

Rights bestowed, not defended

Visitors to the Human Rights Exhibition would have looked in vain for any mention of the series of human rights disasters caused by the CCP government or for any record of the struggles of ordinary people to protect their rights. The exhibition only told visitors that any improvements in human rights since the reforms were launched have been graciously bestowed by the government on a grateful citizenry.

The exhibition used the slogan “Long Live the People” to encapsulate the human rights achievements of the Maoist era, “Winning the People’s Confidence” to summarize progress in the Deng Xiaoping era, and “Respecting and Protecting Human Rights” to represent the achievements of the Jiang Zemin and Hu Jintao governments, demonstrating that every CCP leader has focused on human rights.

The exhibition put special emphasis on the new ideas to rejuvenate China that Hu Jintao has proposed since he came onto the scene.² The slogan “Putting People First” was meant to encapsulate the scrapping of the “custody and repatriation” policy in 2003;³ “Supremacy of the People” referred to the inclusion of “human rights” in the Constitution in 2004; “Scientific Concept of Development” referenced the official statistic of 758.25 million people obtaining employment by 2005; and “Building a Harmonious Society” referred to the abolition of the agricultural tax in 2006.

Yet the fact is that the modest progress in China’s human rights situation since the reforms were launched is not the result of initiatives taken by the government, but is entirely thanks to the efforts of ordinary citizens trying to protect their rights, and to pressure from the international community. The 1989 Democracy Movement and the Tiananmen Massacre that followed it made ordinary people much more aware of human rights. Both the dissident movement within China and pressure for human rights from the international community contributed to a de-emphasis on government values and a new emphasis on civic values, and to the popular recognition that although the government wields power, ordinary people have morality and justice on their side.

Although political reform came to a complete standstill after June 4th, the promise of some measure of prosperity bought society’s silence. Symbols of moral authority in the democracy movement were forced into exile and the slightest sign of popular resistance was nipped in the bud. As a result, the opposition movement became increasingly marginalized. This carrot-and-stick approach has proved remarkably effective in China, a country that lacks a tradition of liberty. Neverthe-

less, the dissenters within the government system and dissidents and ordinary citizens outside the government who had come together for the Democracy Movement eventually became the catalyst for a popular human rights movement after Tiananmen. Thus, what was initially a political movement composed of dissidents has grown into a movement that encompasses various social groups that demand their rights outside the political realm: the Tiananmen Mothers, dissident groups, liberal intellectuals, religious freedom advocates and rights defense lawyers.

In the past, politically sensitive human rights cases received most of the publicity, but today Chinese citizens are paying more and more attention to human rights abuses that are not very politically sensitive. Because drawing attention to this sort of human rights incident entails little personal risk and the government is less rigorous in controlling non-political activism, participation in this type of activity has been both enthusiastic and effective. There is growing concern not only about a wide range of specific human rights cases—including violations of the rights of journalists, human rights abuses resulting from a lack of judicial impartiality, the detention and forcible return of migrant workers to their home villages, the mistreatment of detainees and prisoners and the extortion of confessions by torture in detention centers and prisons, the abuse of power and violence perpetrated by police and other law enforcement officials, the violations of the rights of homosexuals, the infringement of the property rights of mistresses who receive gifts from married men—but also about the system that makes them possible in the first place.

It is difficult for the authorities to control the large and growing number of ordinary people who participate in online discussions, academics who engage in online debates and lawyers who offer legal advice and assistance on the Internet. In addition, government-controlled newspapers and magazines often report the arguments for the defense made in human rights court cases. At the same time, thanks to the growing availability and popularity of the Internet, the human rights movement is no longer an elite phenomenon, but has spread to countless ordinary people. Online petitions and open letters have become the most frequently used method to defend rights. In sum, the Internet has become the most effective platform to defend citizens’ rights through spreading information, discussing and exchanging ideas and organizing activities.

In the sphere of non-political human rights, the growing number of lawsuits against government officials brought by ordinary citizens trying to defend their rights is having a very positive effect on judicial reform and the judicialization of the Constitution, and is contributing to the development of the basic guarantees of the rule of law. Because of pressure from China and abroad, the Chinese authorities feel compelled to make a formal show of respecting the legal rights of the accused even in sensitive political cases. The courage shown by defense lawyers in such cases is a particularly meaningful contribution to the advancement of human rights.

Were it not for the intense interest in the case of Sun Zhigang shown by public opinion in China and abroad, the cus-

tody and repatriation system would not have been abolished. Were it not for the unstinting struggles of ordinary citizens and unremitting pressure from the United States and other Western countries, the principle of “human rights” would not have been incorporated in the Chinese Constitution in 2004.

The up side of hypocrisy

Although the Chinese regime remains a dictatorship that has resisted substantive improvement, an official human rights exhibition still constitutes progress, just as the incorporation of the provision on respecting and safeguarding human rights in the 2004 Constitution was a step in the right direction. At the very least it shows that public awareness and international pressure have forced the government to make some concessions since the Tiananmen Massacre.

To be sure, given the huge gap between the human rights situation presented in the government’s Human Rights Exhibition and the reality on the ground in China, the exhibition is an exercise in hypocrisy. But it must be acknowledged that the transformation from a dictatorship to a free society—a process of continuous incremental pressure from ordinary citizens and a gradual but steady easing off of government repression—inevitably includes a stage during which the government pays lip service to human rights.

In response to pressure from within China and from abroad following the Tiananmen Massacre, in 1991 the CCP authorities issued a white paper entitled “Human Rights in China,” which was the beginning of a process of hypocritical professions of commitment to human rights. The fact that the government has been forced to change its discourse on human rights is manifested in all sorts of ways: through acknowledgement and open discussion of human rights, by organizing a human rights exhibition, through engaging in dialogues with Western countries and by inviting Western heads of state to give talks at Chinese universities, during which they invariably pay tribute to liberal democracy and human rights. A regime that once regarded human rights as an instrument of domination by the decadent class now touts its own achievements in improving human rights, and abandoning its previous claims that human rights are culturally specific, it now allows UN human rights officials to carry out inspections in China.

In the sphere of legal reform, the Chinese government has adopted the Administrative Procedure Law,⁴ has abolished the presumption of guilt and introduced the presumption of innocence, has given lawyers more leeway to defend their clients in court proceedings, and has pledged to ratify the UN Covenant on Civil and Political Rights. Although the regime remains fundamentally a dictatorship, it is now making a formal show of applying the law to its persecution of dissidents. In 2004, apart from incorporating the provision on human rights into the Constitution, the CCP government also enshrined private property protection and announced that it would issue a Draft Property Rights law—indicating a new stage in the legal protection of property rights.

In response to Western pressure to improve the human

rights situation, the CCP government also founded the China Society For Human Rights Studies (CSHRS), which is responsible for drafting an annual white paper on China’s human rights situation and issuing a report on the human rights situation in the United States (in response to the U.S. State Department’s annual report on human rights in China). In addition to organizing symposia for Chinese and foreign scholars, the CSHRS also helped organize the “Human Rights in China” exhibition, which for all of its shortcomings still has helped raise public awareness of human rights.

Unmitigated brutality has gradually given way to more subtle methods of persecution. To ease domestic and international pressure, the government now prefers to force dissidents into exile. The government has also adopted a nimble approach to international pressure on specific human rights cases, responding with “hostage diplomacy.” By releasing several well-known political prisoners, the government has not only eased pressure from the U.S. and other Western countries, but has also consolidated its hold on power. International pressure also compelled the government to promise in 1998 that it would sign two major UN human rights accords.

These concessions have not altered the fundamental reality of China’s dismal human rights situation; indeed, the release of political prisoners has always coincided with new human rights tragedies, and the regime’s prisons have never been short of political hostages. But the fact that the Chinese government has felt compelled to talk about human rights and make some compromises in response to pressure at home and abroad is an acknowledgment that human rights are universal, and indicates that the efforts of ordinary people to defend their rights are bearing fruit.

Given the inevitable trend, the CCP government should no longer be content to pay lip service to human rights and take passive steps on the human rights front when it has no other choice. Instead, it ought to act in an enlightened fashion, take proactive measures to improve human rights and respect universal values.

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TRANSLATOR’S AND EDITOR’S NOTES

1. The PRC has promulgated constitutions in 1954, 1975, 1978 and 1982 with revisions in 1988, 1993, 1999 and 2004.
2. Hu Jintao became General Secretary of the CCP in 2002 and President of the PRC in 2003.
3. Public uproar over the death of Sun Zhigang, a student, while in custody led the authorities to announce the scrapping of the custody and repatriation system, which bypassed the judicial process.
4. The Administrative Procedure Law, which was adopted in 1989, gives citizens rights and avenues to sue officials for abuse of authority or malfeasance. See “Review of Procedure Laws Raises Hope for Justice,” *China Rights Forum* No. 2, 2005.