How can human rights protection in China be influenced from overseas? Does the Chinese government respond to foreign pressure at all? How do Chinese political prisoners get released? What about less well-known, ordinary prisoners? How can a grassroots non-governmental organization (NGO) in the United States play a role in bringing clemency and better treatment to at-risk detainees in China? The talk by John Kamm, Founder and Executive Director, the Dui Hua Foundation, in the talk series "Critical Issues Confronting China", gave the audience a glimpse of how his human rights advocacy NGO works through research, dialogue and outreach.

For the past 15 years since the Dui Hua Foundation was established in April 16, 1999, it has been working in the following areas: clemency for political and religious prisoners, better treatment of women in prison and juvenile offenders, as well as systemic improvement in criminal justice in China. It has special consultative status respectively with the UN Economic and Social Council.

Kamm rebutted the conventional wisdom that China doesn't respond to international pressure. After the June 4th Massacre in 1989, more than 1,600 people were detained for social disturbances. Under international pressure, China released more than half of them by 1993, and most of them by the mid-1990s. If a prisoner in China is well known, then he is more likely to be better treated. If he is not well known, he is out of luck. This is where the Dui Hua Foundation makes a difference: by uncovering the names of unknown prisoners through open source research and then advocating on their behalf.

Kamm described a few recent trends in his work. As China becomes richer, stronger and more significant in the world, especially after its WTO entry in 2001, the number of active dialogues and consultations on human rights protection between China and foreign countries has declined. After 1991, China had bilateral human rights dialogues (HRD) with nine countries, consisting of the United States, Switzerland, Britain, the EU, Germany, Australia, Canada, Norway and Japan. China eventually became engaged in such dialogues with 20 countries, and made gestures (or concessions) through the releases of high profile detainees. But now such gestures have become rarer. Even when they do happen, little media attention is drawn to them. The Dui Hua Foundation has collected more than 6,000 names of people under detention since these HRD began.

Bilateral HRDs have been invariably affected by whether the president or prime minister of any one of those 20 countries meets with the Dalai Lama. If the president or prime minister does, then the Chinese people's feelings always get hurt, according to the Chinese government, and bilateral HRDs with that country always gets cancelled or delayed. This happened to President Obama, Prime Minister David Cameron and other world leaders. Norway "hurt the Chinese feeling" by awarding the Nobel Peace Prize to a Chinese dissident Liu Xiaobo. Canada hasn't had a HRD with China for more than a year. Australia did not have a HRD in 2013, but had one this February,
in which the Chinese were chastised in the press conference for being negligent of migrant workers' rights. Since the summer of 2012, the Chinese Ministry of Foreign Affairs has declined to accept the prisoners' list handed over by foreign countries. Even when Chinese officials do accept the list after persuasion, they put it aside and never do anything about it.

The number of death penalties in China has declined significantly, but still runs at about 3,000 executions per year. One of the death penalty cases that Dui Hua is working on is that of Li Yan, a middle-aged woman from Sichuan Province, who was heavily abused by her husband. She in turn beat her husband to death. In 2011, the Chinese Supreme People’s Court decided to maintain the original sentence and put her on death row. This put her in the purview of the Dui Hua Foundation. Domestic violence, said Kamm, is quite common in China. About a quarter of married Chinese women are abused by their husbands. About 10% of homicides have to do with domestic violence.

In the area of criminal justice, a draft of the disappearing clause in the Chinese criminal procedural law was published in August 2011, and came into effect in January of 2013, in violation of international law. This clause allows police to hold suspects in an undisclosed location for up to half a year without notifying the family or allowing the suspect to access a lawyer. Zhu Chengzhi, a 64 year old dissident, was a case in point.

Another disturbing issue has to do with illegal assembly - disturbing social order by gathering a crowd. Xu Zhiyong was put in prison under this charge. His appeal was rejected four months ago. If he is indicted with disturbing social order, his sentence would be five years or less in prison. If he is indicted with endangering state security (ESS), then his sentence would be 10 years or more in prison. He is actually better off without a trial. Deprivation of political rights (DPR) is common in China.

In addition to the work areas of the Dui Hua Foundation, Kamm gave an overview of China's domestic and international challenges. Domestic challenges include income inequality, slowing economic growth, rampant corruption, environmental pollution and degradation, increasing concerns about food safety, and social unrest (mass incidents). The Third Plenum of the Communist Party's Eighteenth Congress in November 2013 announced a slew of economic reform measures, but Kamm pointed out that no political reform was mentioned. Internationally, China's assertive behavior, including establishing the Air Defence Identification Zone in late 2013, aggravates its smaller Asian neighbors and pushes them closer to the US. The U.S. pivot (later called "rebalance") to Asia is interpreted in China as containment, due to China's lack of strategic trust with the U.S.

Finally, Kamm focused on the leadership of President Xi Jinping. Since Xi took over power, civil society in China has become more stifled. While Xi calls for the "Chinese Dream" by appealing to nationalism and traditional culture, he implements stricter control over the internet and public discourse in civil society. Document No. 9 of 2013 outlines seven perils to the party: western constitutional democracy with independent judiciary, universal values of freedom and human rights, civil society, pro-market liberalism, freedom of speech and press, historical nihilism including
questioning the party’s past mistakes, doubt about China’s opening and reform, and socialism with Chinese characteristics. A policy derived from these alleged perils is forbidding seven mentions in public discourse: universal values, freedom of press, civil society, human rights, the Communist Party's past mistakes, elite cronyism and judicial independence. Consequently, more social activists and intellectuals have been detained; multinational companies are no longer under impunity; political disputes have colored trade relations.

Kamm raised the question whether Xi has concentrated too much power on himself, while pushing Chinese liberals aside. In addition to being President of the PRC, Chairman of the Central Military Commission, and Secretary General of the CPC, Xi is also chairman of four smaller leading groups: the National Security Committee, the Leading Group on Comprehensive Reform, the Leading Group on Internet Security, and the Leading Group on Military Reform. One person's wearing of so many hats leaves people wondering where this will lead China, with a rubber-stamp congress and without an independent judiciary.