

**Statement of
Senator Carl Levin
February 7, 2002**

Mr. Chairman, Thank you for convening the first hearing of the Congressional-Executive Commission on China. The members of this commission have an important and difficult task ahead of us. Our challenge is to find a way to prod China to comply with internationally accepted human rights standards, respect for labor rights, religious freedom and the development of rule of law, when prior efforts met with little success.

I, like many of my colleagues, voted to grant China permanent normal trade relations in part because the legislation included a specific mechanism to monitor and report on China's human rights practices. That mechanism is this Commission which my brother, Congressman Sander Levin, put forward as a way to keep some public, visible and ongoing pressure to replace the annual congressional vote on China's MFN on China to reform in the areas of human rights, labor rights and the development of the rule of law. The Commission offers the promise of an effective tool for both monitoring and changing the human rights conditions in China. Clearly the mechanisms of the past were largely ineffective in impacting the human rights climate in China.

The Commission must be bold and innovative in carving out new and effective ways to influence China. China's human rights record is abysmal and is getting worse. And China has shown little willingness to change this record. The Commission has its work cut out for it.

The State Department's most recent Human Rights Report on China (year 2000) concludes that the Chinese government's poor human rights record has worsened, and China continued to commit numerous serious abuses. It comes as no surprise that the State Department found China in violation of many of the basic human rights contained in the International Covenant on Civil and Political Rights and in the Universal Declaration of Human Rights. These include the right to engage in free expression; the right to peaceful assembly, religious freedom, protection of internationally recognized worker rights, freedom from incarceration as punishment for political opposition to the government or for exercising or advocating human rights.

Examples of human rights abuses by the Chinese Government are extensive and disturbing. For example, the State Department reported that China intensified its harsh treatment of political dissent, crackdowns on religion and, in Tibet, and generally, suppressed any person or group perceived to threaten the Government. The State Department reports, A abuses included instances of extrajudicial killings, the use of torture, forced confessions, arbitrary arrests and detention, the mistreatment of prisoners, lengthy incommunicado detention, and denial of due process.

Over the past few years, China has cracked down harshly on the Falun Gong movement and imprisoned hundreds of its leaders and placed thousands of its followers in detention, reeducation-through labor camps or in mental institutions. Hundreds of Falun Gong members died in police custody and many were tortured.

U.S.-China relations were seriously strained when China detained a number of U.S. citizen or U.S. permanent resident academics of Chinese dissent, including detaining the 5 year old son of a U.S. permanent resident, a U.S. citizen, for 26 days without notification to U.S. officials.

China executes more people in one year than all other countries put together, and this is often after unfair and secret trials. There is also the horrendous issue of organ harvesting which is directly linked to the execution of prisoners.

I am also concerned about the use of prison labor in China, especially when the products made by forced prison labor are exported to the United States. The State Department reports that forced labor in prison facilities is still a serious problem and confirms that some Chinese prisons contract directly with regular industries to supply prison labor or operate their own factories.

More U.S. Customs Service enforcement actions involving prison or forced labor facilities have been issued for China -- twenty of 23 outstanding orders to detain merchandise suspected of containing content made with prison labor than for any other country.

However, the State Department has been denied access to Chinese prisons suspected of producing products for export made with prison labor. This is despite a 1992 Memorandum of Understanding (MOU) with China prohibiting the export of prison made products and a 1994 Statement of Cooperation (SOC) allowing us to inspect Chinese plants suspected of using prison labor to make goods for export. China's compliance with the MOU and SOC is poor. China continues to deny almost all of our repeated requests to visit suspected prison factories. The few visits that were permitted in the late 1990's were only the result of significant high level diplomatic pressure.

There are 8 pending requests to visit Chinese factories suspected of producing goods for export with prison labor, dating back as far as 1992. This is in addition to 11 outstanding requests for the PRC to investigate prison labor allegations pertaining to exports to the United States to which the Ministry of Justice has not responded.

The State Department report specifically mentions a 1998 report that soccer balls were being made for export by prisons near Shanghai. The Chinese Government failed to respond to an October 1998 request to investigate these allocations. Unfortunately, one negative side effect of China's inaction is that people may be less willing to take the risk of reporting prison labor violations when they know nothing will be done about it.

I am also concerned about the lack of respect in China for labor rights. The five core International Labor Organization (ILO) labor standards are: 1) the right of association; 2) the right to organize and bargain collectively; 3) a ban on child labor; 4) a ban on compulsory labor; and 5) a ban on discrimination in employment. China has had a poor track record to date in recognizing and protecting these internationally recognized rights. For one thing, China only recognizes approved registered unions. So, while Chinese workers may have had the right to be in a union, it had to be the state sanctioned union. China has cracked down on efforts to organize other unions by detaining or arresting labor activists involved in illegal union activity.

Recently there are signs that China may be changing regarding labor rights. Last year a new law was passed that would allow for union organizing and bargaining from the bottom up, although the new unions would still have to be affiliated in some way with the state sanctioned unions.

It remains to be seen if these new labor rights will be meaningful. Much depends on the extent to which these new rights are real. The Commission should monitor whether the new law is implemented vigorously and if the new rights are protected by the central government.

In summary, the human rights situation in China is offensive, intolerable and in violation of internationally accepted norms. Improvements in China's human rights record is an essential requirement for improving the U.S.- China relationship. The American people will have little tolerance to trade with a nation that has no

respect for the rights of its own people. Trade and human rights are therefore inextricably linked. The hope is that through the establishment of the rule of law in China, respect for and protection of human rights will increase.

Now that China has been granted PNTR and joined 142 other nations in the World Trade Organization, we should use this membership as a way to open China's markets to our goods the way our market has been open to China's goods. We should also use it to exert meaningful pressure on China to join that community of nations that respects basic human rights so that one day the people of that country can enjoy their fundamental human rights. I hope the Commission can make an important contribution to achieving that goal.