

Testimony by Robin Munro at CECC Hearing on February 27, 2008

The Impact of the 2008 Olympic Games on Human Rights and the Rule of Law in China

Mr. Chairman, thank you for inviting me to testify at this important hearing. The focus of my comments today is on China's current labour rights situation, but I would like to broaden this theme to address the wider range of human and labour rights problems faced by ordinary, non-elite members of society — or what we at China Labour Bulletin sometimes call "human rights for the millions." Because time is short, I'm not going to say much about the Beijing Olympics themselves, but instead will simply offer a few broad-brushstroke thoughts and conclusions on the implications of the upcoming Games for the rights situation in China. I shall then fast-forward to the post-Olympics period and issues — or rather, try to review the basic underlying problems in society that are going on right now and which will still be there, virtually unchanged, after the Olympic athletes and visitors have all gone home.

The public notice for today's hearing poses the question of "whether the Olympics will bring lasting benefits to Chinese citizens," or, conversely, "have a negative impact on their human rights." With less than six months to go before the Games begin, I feel only one conclusion is possible here. Over the past year or so, the Games have led to a harsh and growing crackdown against the domestic civil rights movement, and to increasingly unrestrained rights violations by the government and security forces in general. Rights activists have been rounded up by the police and jailed, civil rights lawyers have been intimidated and punished, and even the wives of dissidents have been persecuted in an effort to ensure their silence as the Olympic Games approach. As other speakers have noted, several rights activists are now facing criminal trials in China merely for calling on the government to give human rights a modicum of priority in the run-up to the all-important Games. In short, the official message being sent to China's citizens today is that any kind of public activity that in any way threatens to tarnish the authorities' image, or that introduces a negative note into the coming Olympics festivities, is de facto a crime. This official record makes a mockery of Beijing's pledges to the IOC and the world that holding the Olympic Games would advance the human rights cause in China. Clearly, Beijing 2008 is not going to be anything like Seoul in 1988.

Unfortunately, this outcome was largely to be expected. So much is riding on the forthcoming Games being a success, in terms both of the image the Chinese leadership wishes to project at the international level, and also of the message of rosy domestic contentment and rising popular prosperity that it wishes to impose on the Chinese people, that nothing is to be allowed to spoil the Olympics party. There is little the rest of the world can do about this, except to protest loudly and strongly as the crackdown continues. The one issue so far on which Games-related international pressure appears to have had a noticeably positive effect is the Darfur situation, via China's belated support for a U.N. peacekeeping force. But with Western governments no longer being willing to back up their words of censure with meaningful action or sanctions of any kind, and with China's economy now playing such a pivotal role on the world stage, Beijing clearly considers that it has little really to lose by toughing things out internationally while maintaining tight political control at home.

I should stress that the above remarks are not meant to suggest that Olympics-related pressure campaigns at this stage are pointless. Far from it: such campaigns are a vital means of ensuring that the Chinese authorities at least avoid the worst excesses of repression, in their zeal to present a smiling and united national face to the world this August. My point is simply that we should not hold any real hopes that the Games may somehow turn out to be a plus factor for the human rights or labour rights cause in China. It is conceivable that Beijing may produce a "trump card" on the eve of the Olympics — for example, by announcing ratification of the ICCPR, or by releasing one or more high-profile political prisoners — but

that would serve mainly as a smokescreen to deflect international attention away from the continuing Games-related crackdown on civil liberties. Given the severity of the current clampdown on rights, such a gesture would be hollow and meaningless.

Nonetheless, because so many ordinary Chinese feel real pride at Beijing's hosting of the Games, I hope they will be a success. China is a great nation, and its people deserve their turn at the Olympics, even if the government does not. Also, if hosting the Games smoothly makes the Chinese leadership feel more secure domestically, that's probably a good thing: a more relaxed and confident government in Beijing is more likely to take steps, eventually, toward some degree of liberalization than a chronically scared and brittle one. The danger, however, is that the tight social and political controls set in place for the upcoming Olympics will — once the Games are over — simply become the "new normal" in China's internal security regime. If this happens, the Games will have set the clock back on human rights and civil liberties.

A Socially Divided Nation — and an Emerging Civil Society

The Chinese government nowadays strives to project the twin images of "the harmonious society" and (through the Olympics) of "one world, one dream." The reality, however, is that China today is far from being harmonious, and it embodies two very different worlds and dreams. On the one hand, there are those of the rising new elite, who enjoy unfettered access to all the best things in life; and on the other, those of the ordinary people, hundreds of millions of citizens who have no meaningful vote and whose main dream is somehow to make ends meet for the family until the next payday. In the government's view, however, if the desired "social harmony" cannot be achieved through consensus, then it must be enforced via repression, by silencing popular discontent and demands.

What then are the main, long-term social justice — or "human rights for the millions" — issues that urgently need to be addressed in China, if society is to be made more fundamentally stable and equitable in nature? Here is a brief list of four of the most pressing issues:

- The country's medical care system needs to be completely redesigned to make it more accessible and available to ordinary citizens. For at least the past decade, after the hospital system was basically privatized and turned into a for-profit concern, the cost of medical treatment has been prohibitive for the majority of China's citizens, even in the cities. Under the present system, a major illness can bankrupt an entire family within a few short weeks — and in many rural areas, there is no public healthcare system worth mentioning.
- The rural education system also needs to be completely overhauled, and for similar reasons. Both the quality and provision of education in the countryside is massively under-funded by the government, and school fees are often extremely high. The result is that poor rural families increasingly cannot afford to keep their children in school for the full nine-year period of compulsory education, and so child labour is on the rise in many parts of the country today. In addition, the under-educated migrant workforce is increasingly inadequate to the developing needs of the Chinese economy, and this problem will only get worse unless action is taken swiftly. After more than a decade of 10 percent-plus annual GDP growth, the government's failure to make a priority of providing decent medical care and rural education for its citizens is deplorable.
- The entrenched problem of official corruption, now endemic at every level of the administration, needs to be seriously and systematically addressed by the central government. Corruption by local officials is at the root of almost every major social injustice issue in the country today, and it is deeply resented by the great majority of ordinary citizens. The central government regularly attacks dissidents, civic action

groups, and petitioners or whistleblowers and others as posing a "threat to social and political stability." In reality, the persistence of unchecked corruption at all levels of official life is what poses the primary threat to the country's stable and peaceful development, both now and in the future. Since one-party rule seems set to last for a long time, the only available counterweight to official corruption remains the emergence of a functioning civil society in China — something that is now happening despite government controls.

- The basic livelihood of hundreds of millions of urban and rural workers and their families needs to be guaranteed and protected, in terms of access to proper employment, enforcement of legal minimum pay and maximum working hours, and provision of safe working conditions. The appalling situation in China's coal mines, where several thousand miners continue to die needlessly each year as a direct result of mine bosses' callous disregard for workplace safety, and with the collusion of local officials who unlawfully invest in the mines, is only the most dramatic example. Similar conditions prevail throughout the country's vast construction industry and elsewhere, and the only effective remedy is for workers to be allowed to form effective self-protection organizations. Trade unions would be the most obvious form, but while legal prohibitions on such groups remain, workers should at least be allowed to form frontline work-safety committees, and also to engage in real collective bargaining with their employers aimed at negotiating minimally acceptable terms and conditions of employment.

Again looking ahead to the post-Olympics period: if the international community has less and less real influence and leverage nowadays over Beijing on how it treats its own citizens, does this mean that future prospects for human rights and greater social justice in China are bleak? Surprisingly enough, perhaps: far from it. For we are finally seeing, after three decades of economic reform, the emergence of new domestic social forces in China that may well have the will and the potential to transform the country's governance from the inside, and from the bottom up. For a variety of reasons, there is considerably more space for civic action of all kinds in society nowadays than even five or ten years ago. This is not the result of government steps toward liberalization: rather, it's because angry citizens are now demanding justice in much larger numbers, and more vocally, than ever before. Ordinary people across the country, in both town and countryside, are themselves creating this new and indispensable social space, through a wide range of collective rights campaigns and activities. All this is ultimately the outcome of three decades of highly inequitable economic reform in China, and where issues of social injustice are concerned, the chickens are now coming home to roost for the Chinese leadership.

New Forces for Change from Within

In short, I believe that China is now entering a stage where progress toward greater social justice, including human and labour rights — or "human rights for the millions" — will henceforth be determined mainly as a result of internal forces and developments, with the international community playing a secondary (though still vital) role in events. In my view, this development is warmly to be welcomed, and I see two such new social forces, primarily, at work in China today.

First, there is now a recognizable workers' rights movement of considerable size taking shape in China, something that was scarcely conceivable only a decade ago. Tens of thousands of mass labor protests and other acts of worker unrest are taking place across the country each year, despite the continued strict legal prohibition on forming independent unions. These worker protests are mostly spontaneous in nature, and are neither coordinated nor interconnected, but they are having a real and tangible effect in promoting greater respect by employers, at local level, for the country's own labor laws. China's workers, and especially the 150 million or so migrant workforce (mostly female) from the countryside that provides the muscle for urban manufacturing and exports, are clearly on the move.

Workers are no longer playing the role of passive victim to China's economic success story, and instead are increasingly standing up for themselves and their rights. And the one-party state — which preys on the weak and isolated (the political dissidents, civil rights lawyers, Falun Gong and others) but fears the strong and numerous — is in turn showing the workers steadily increasing attention and respect as a social force. It is no coincidence that the start of 2008 saw the introduction of three new labour laws in China: the Labour Contract Law, the Law on Employment Promotion, and the Law on Labour Dispute Mediation and Arbitration. All of these new laws have, in various significant ways, raised the bar on employment standards and labour rights. (The main continuing problem is that employers and local authorities conspire to ignore such laws in practice; but here again, workers are challenging the system to live up to its own promises by bringing increasing numbers of labor rights lawsuit to court — and for the most part they are winning.) In the human rights movement, we have long known that, if properly applied, international pressure works; so it is heartening to report that in China today, pressure from domestic actors and forces is likewise starting to work.

Second, there is currently emerging in China a sizable, grassroots-based rights movement of great significance, one that is focused on issues of real and pressing concern to the local community and is therefore winning widespread popular support. Citizens around the country are forming pressure groups to campaign for the redress of local acts of injustice or bad governance, and they are increasingly taking their cases to the courts in the form of lawsuits against local government agencies and officials. Known in China as the "*wei quan*" movement — usually translated in English as the "rights defense movement" — it in many ways constitutes China's emerging civil rights movement. It shares many of the features of civil rights movements elsewhere — for example, the coalition of elite social groups, including civil rights lawyers, the news media and local legislators, alongside and in support of grassroots-based rights campaigners — a phenomenon that was also evident in the case of the Civil Rights Movement in the U.S., despite the different issues involved.

Crucially, much of China's fast-growing *weiquan* movement is inspired by rising levels of popular indignation over the flagrant levels of official corruption seen across the country nowadays. Increasing income polarization may be an unavoidable feature of economic development, but official greed and contempt for rule of law is now directly ruining more and more Chinese citizens' basic livelihood — whether via unlawful land grabs, catastrophic pollution of the environment, or other widespread acts of malgovernance. More and more officials in China are nowadays acting as if they fear the party may be over tomorrow: grabbing as much as they can, without apparent concern for the probably irreversible decline in government legitimacy that their actions are prompting in the eyes of ordinary citizens.

What characterizes both these new social forces — the workers on the one hand, and the popular *weiquan* or civil rights movement on the other — is their shared commitment to peaceful and constitutional methods of social action and pressure for change. They have wisely, for the most part, avoided politicizing the very diverse social justice issues on which they campaign — even when, as is usually the case, these problems are the direct product of official corruption; and they have based their campaigns on the provisions of China's own laws. Both tactics are vital if these movements are to prosper and grow in the future, and they essentially boil down to demanding genuine rule of law in China. Again, these are popular, grassroots-based campaigns and concerns, and it is the first time in monitoring human rights in China for some 30 years that I have seen anything quite so positive and momentous occur.

Taking the Longer View

How can the international community best lend its support to these promising new developments taking place at the grassroots level across China? Here are a few pointers and suggestions:

- Western governments should give a high priority to pressing China, through the U.N. and the ILO, to ratify core international agreements and conventions on freedom of speech and association, notably the ICCPR and ILO Conventions No. 87 and 98. If Chinese citizens cannot freely associate to press for peaceful change and reform, the country will become more and more of a political powder keg on the world stage.

- Western governments should continue to press Beijing for the release of individual prisoners of conscience. The handing of such prisoner lists to senior Chinese officials should be restored as a routine component of all high-level diplomatic and governmental meetings with the Chinese leadership. As history has repeatedly shown, one freed individual can inspire millions of others.

- Western foundations should greatly increase the level of support they give to grassroots-based civic action groups of all kinds in China, whether environmental, civil rights, women's rights or labour-movement-related, while continuing to support a limited number of official projects via the more progressive government agencies. The overwhelming majority of these grassroots activist groups are both socially responsible and politically self-restrained, and their common goal is to develop a secure and stable rule of law in China. They are the country's main hope for the future.

- Multinationals operating in China, where independent trade unions are banned by law and labour is cheap and plentiful, have a moral duty to maintain strong codes of conduct and pursue effective corporate social responsibility programs. However, social justice in the workplace in China cannot be planned and executed from corporate boardrooms in Western capitals. The experience of all other countries where minimum labour standards have been won shows that there is no substitute for real trade unions, and that freedom of association is the indispensable key. China is no exception here, and there is no convenient short cut to real labour rights for hundreds of millions of people. China's workers are perfectly capable of protecting themselves, given the necessary rights and tools. What they need is support and encouragement to do so.

- In addition, both multinationals and consumers in the West need to recognize that, in order to really achieve better and more acceptable labour standards for ordinary working people in China, the cost of China's exported goods will inevitably have to rise. Increased productive efficiency can only go so far toward providing the funds needed to provide Chinese workers with acceptable pay, reasonable working hours, mandatory work-related insurance coverage and safe factory conditions. The real problem is that these goods are much too cheap — and under-priced Chinese goods in Western shopping malls means continued labour rights violations in China.

- Both citizens and governments in the West should recognize, moreover, that higher labour standards for Chinese workers will also directly benefit the workforces in their own countries. By making it possible for Chinese workers to enjoy minimum acceptable standards, Western citizens and consumers will find that their own jobs become more secure, the trend toward casualization and part-timing of labour will reduce, and working-class families in many countries will benefit as a result.

In conclusion, China's hosting of the Olympic Games may be momentous for reasons of national pride and as a symbol of the country's long-delayed emergence as a great power economically. But it is largely irrelevant to the real social and political issues facing China and its ordinary working population today. The foremost of these are, first, the continued sharp polarization of society in terms of basic livelihood and access to vital public services; and second, the steadily growing range of severe social injustice issues — mostly generated by official corruption — that affect huge numbers of citizens and are fuelling rising levels of popular discontent and anger.

Unless these urgent social problems are addressed by the central government, by imposing an effective system of public accountability on officials and by allowing civil society to develop as a real counterweight to the one-party system, China's Olympics slogan of "One World, One Dream" will probably end up being viewed by its people as merely one more cynical diversion from reality, to be added to the scrap-heap of similar political slogans used by the Party over the past sixty years and more.

Finally, Mr. Chairman, with your permission, I would like to draw the Commission's attention to an [article](#) drafted by my colleagues at China Labour Bulletin, Geoff Crothall and Han Dongfang. This article, which will be published in the forthcoming book, China's Great Leap, provides a vivid analysis of the causes and conditions of the harsh environment in which Chinese migrant workers generally labor, both at the Olympic construction sites and across the country as a whole.

Thank you all for your time and attention.