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

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Mr. Chairman, members of the Commission, on behalf of Human Rights in China (HRIC), thank you for the opportunity to make this statement. It is also an honor to testify today alongside of the distinguished experts and human rights colleagues on this panel.

HRIC is an international, Chinese, non-governmental organization founded by Chinese students and scholars in March 1989. Our mission is to promote international human rights and advance the institutional protection of these rights in the People's Republic of China (China), and to provide concrete support and solidarity to human rights defenders. Through our Incorporating Responsibility 2008 Campaign, HRIC focuses on individual case advocacy, monitoring human rights progress in China, and promoting compliance with Beijing's Olympic Promises and other international human rights obligations in the lead-up to and beyond the 2008 Olympic Games.

With only about five months left until the opening of the 2008 Olympic Games, we appreciate the Commission's timely attention to the impact of the Olympics on human rights and the rule of law. As documented by the media, NGOs, United Nations, and government reports, including the Commission's 2007 Annual Report, crackdowns on human rights defenders in China have been increasing in the run-up to the Olympics. We welcomed the Commission's 2007 Annual Report, which not only called for an end to the harassment of Hu Jia and other activists, but also examined important issues regarding state secrets, civil society, petitioners, and ethnic minorities.

The Fallacy of "With Us or Against Us" Olympic Rhetoric

One of the challenges to the advancement of human rights is the hostility of the Chinese authorities to any international or domestic human rights-related criticism, especially criticism tied to the Olympics. Chinese authorities have characterized any questioning of government policies in the lead-up to the Olympics as an attack on China itself. This intolerance for criticism, nationalism, and conflating of "China" with the Chinese government, was most recently exhibited in the response to Steven Spielberg's decision to withdraw from serving as artistic director of the opening and closing Olympic ceremonies. Chinese authorities first expressed regret, then slammed Mr. Spielberg. A government ready to host a major international event, a mature government that respects the rule of law, could have demonstrated a higher tolerance for thoughtful, critical and difficult individual decisions of the conscience. Instead, state-run media dismissed Mr. Spielberg as naive and foolish.

This "with us or against us" mentality surrounding the Olympics fails to account for the legitimate concerns of domestic and international actors about the long-term impact of the Olympics, on both China's own people and the international community. Already we have seen that instead of serving as a catalyst for positive change, the Olympic preparations have been marked by or accompanied by crackdowns on dissent, massive displacements of residents,\textsuperscript{1}\footnote{In order for China to put on its "best face" for the outside world.} and strain on already stretched environmental resources,\textsuperscript{2}\footnote{In order for China to put on its "best face" for the outside world.} in order for China to put on its "best face" for the outside world.
China's Olympic and Human Rights Obligations

By hosting the Games, Beijing is obligated to honor the commitments it made in the bidding process, which influenced the International Olympic Committee's (IOC) selection of the 2008 host city, and Beijing's own Olympic Promises. During its 2001 bid for the Games, Beijing promised "complete freedom" for the media, and IOC President Jacques Rogge stated in August 2001 that Beijing's host city contract included provisions guaranteeing media freedom for accredited press. In March 2002, after the Games were awarded to Beijing, the Beijing Organizing Committee for the Olympic Games (BOCOG) released a Beijing Olympic Action Plan laying out the overall guidelines and plans for the preparation of the Olympics, shaped by the idea of "New Beijing, Great Olympics," with an emphasis on "Green Olympics," "High-Tech Olympics," "Free and Open Olympics," and "People's Olympics" as the key to successful Games. The 2002 Olympic Action Plan includes specific standards, such as technical environmental standards, to which Beijing would hold itself accountable in governance, construction of venues, and increasing social and economic development.

As presented in the Action Plan, Beijing made the following Olympic Promises:

**Green Olympics.** "By 2008, we will achieve the goal of building the capital into an ecological city that features green hills, clear water, grass-covered ground, and blue sky."

**High-Tech Olympics.** "We will make all-out efforts to guarantee the security during the Olympic Games on the basis of a sound social order, reliable public transport and fire fighting systems, safe medical and health structures, and well planned supporting measures."

**Free and Open Olympics.** "In the preparation for the Games, we will be open in every aspect to the rest of the country and the whole world. We will draw on the successful experience of others and follow the international standards and criteria."

**People's Olympics.** "The Olympic Games will give an impetus to economic development and urban construction and management, and bring about increasing benefits for the people. We will make the preparations for the Olympic Games a process of substantially improving the people's living standard, both materially and culturally."

The Olympic Games is an event grounded in human dignity and the spirit of international cooperation of the Olympics movement. Liu Jianchao of the Ministry of Foreign Affairs has himself stated, "The Chinese Government will always be dedicated to improving and protecting human rights, be it prior to, or in the midst of or beyond the Beijing Olympics." Indeed, we are all on the same page: the Olympics are China's opportunity to demonstrate to the world it is a responsible international citizen, one that lives up to its commitments, prior to, in the midst of, or beyond the Olympics.

The obligations of a country in hosting the Olympic Games, a major international event, are also part of and related to a country's overall international legal obligations, including human rights. As China's role in the international community expands and deepens, these international commitments are all inextricably linked. The link between human rights, democracy, and the Olympics was also made by Chinese officials during China's bid to host the 2008 Games and is reflected in the actual host city promises made. It is only by honoring these commitments that the Chinese authorities can host a truly successful Olympics, an event with a positive impact on China's people and the international community.

Additionally, China's actions in hosting the Olympics must be consistent with Chinese domestic law, including, for example, Article 35 of the Chinese Constitution, which protects "freedom of speech, of the
press, of assembly, of association, of procession and of demonstration," and other constitutional provisions that protect freedom of privacy of correspondence (article 40) and the right to criticize the government (article 41).9

The Critical Role of the Rule of Law

Progress in building a rule of law is reflected in key benchmarks, including an independent judiciary and legal profession. China's criminal lawyers, however, face a number of impediments to providing an adequate defense: constraints on meeting with their clients, constraints on access to evidence, and in sensitive cases, lawyers themselves are sometimes harassed or intimidated. Over the past few years, there have been numerous cases of lawyers and legal advisors being intimidated and even beaten by the authorities or with official complicity. Rights-defense lawyers have been the target of varying levels of surveillance and harassment because of their work.10 This lack of independent rule of law has implications in the realms of security (particularly post-Olympic use of sophisticated Olympic event surveillance equipment), media freedom, the development of civil society, and protection of human rights as a whole.

At the same time, there has been progress toward rebuilding the legal system in China in the last three decades, including legislation, training of legal personnel, and development of legal and administrative institutions and processes. Foreign actors such as foundations, governments, and academic institutions have supported exchanges and capacity-building initiatives. Substantive legislative initiatives to date have focused on economic law, civil law and other regulatory areas necessary to promote market reforms, along with administrative law and administrative procedure law.11 Building a rule of law is a complex challenge, and China has been making encouraging strides in this respect, particularly with its enactment of the new Labor Contract Law12 and revisions to the Lawyers'Law.13

The rule of law going forward must also be built on accountability and effective responses to the justice claims for past abuses. Today, at the request of the Tiananmen Mothers, a group within China comprised of family members of victims of the June 4, 1989 crackdown, HRIC is releasing the Tiananmen Mothers' letter calling for justice in the run-up to the Olympics. The open letter demonstrates the urgently-felt need of China's own people for rule of law. (Included as an addendum to this statement is the open letter, "An Appeal from the Tiananmen Mothers to the Government: Set a Timetable for Dialogue on the June Fourth Massacre.")

These brave individuals make clear in their letter that "the disastrous aftermath of that brutal massacre, one of the greatest tragedies of our times, even after 18 years, is still unresolved. The wounds deep in the heart of the people are not yet healed. Because of this, the current political and societal landscape continues to deteriorate into disorder and imbalance. This proves that June Fourth, this bloody page in history, has yet to be turned, and remains a 'knot' deep inside the people's heart. . . . The proper settlement of the 'June Fourth' question would represent not only a conclusion, but also a new beginning." The letter calls on the Chinese authorities to use legal means to investigate the tragedy and bring justice to the victims, so that China's society can heal and move forward in an open democratic way. The Tiananmen Mothers clearly link these challenges to the Olympics, asking, when the government has "repeatedly refused dialogue with the victims' family members . . . How can [it] face the whole world? Is it really possible that, as the host of the 2008 Olympic Games, the government can be at ease allowing athletes from all over the world to tread on this piece of blood-stained soil and participate in the Olympics?"

Making the Impact of the Olympics a Positive One
The IOC's selection of Beijing as host of the 2008 Olympic Games is an incredible honor for the people of China, an honor that brings with it the potential for long-lasting, positive impact on the lives of individuals. HRIC is not calling for a boycott, and believes the hosting of the Games still presents an opportunity—and responsibility—to impact human rights and advance rule of law in China. It is up to each of the different actors and sectors—governments, athletes, sponsors, tourists, businesses, corporate sponsors, academic exchange programs—to support the calls for reform coming from within China, and assess their roles and interactions with China. Each actor can use different opportunities to advance the rule of law, a successful Olympics, and the human rights of China's people. It is clear that we can no longer continue "business as usual."

The international community needs to first get behind the hype and the spin to find accurate information about what's really going on in China. We would like to close with some recommendations and suggestions for the Commission:

- **Raise individual cases in U.S. high-level visits and other fora with Chinese authorities:** Such action sends a clear message of support and concern for human rights. Secretary Rice's recently reported engagement with Beijing on human rights issues is a good example. We urge the Commission members to support the cases of the individuals featured in HRIC's *Incorporating Responsibility 2008 Campaign*. These 12 human rights defenders, including Shi Tao, Chen Guangcheng, and other individuals imprisoned for rights-related work, collectively represent the range of human rights issues that are of serious concern in China today.

- Particular attention should also be paid to cases that involve individuals who have raised Olympics-related criticisms, including:

  **Hu Jia:** HIV/AIDS activist Hu Jia posted an article on the real situation of China in the lead-up to the Olympics. He was detained on December 27, 2007, on charges of "inciting subversion of state power." He is currently being held at Beijing Municipal Detention Centre and has been denied release on bail pending investigation for reportedly being a danger to society.

  **Gao Zhisheng:** In September 2007, Gao Zhisheng wrote a 16-page open letter to the U.S. Congress detailing the human rights situation and anti-Olympics sentiment in China, and called for a boycott of the Olympics, alleging that the CCP was using the Games as a tool to assume legitimacy. Gao was detained in mid-September 2007; his current situation is unclear.

  **Yang Chunlin:** Yang Chunlin is a Heilongjiang land rights activist detained in July 2007 after organizing the "We Want Human Rights, Not the Olympics" (also known as "Human Rights Over the Olympics") petition that gained over 10,000 signatures. He was formally arrested in August 2007 and charged with incitement to subvert state power. In February 2008, Yang's trial opened in the city of Jiamusi, but no verdict has yet been reached. Yang's arrest and trial are notable because the case is one of the first that openly ties opposition to the Beijing Olympics to allegations of subversion.

  **Ye Guozhu:** Ye Guozhu is a 52-year-old housing advocate and a Beijing resident, who was evicted from his home in May 2003 to make way for Olympic construction. In August 2004, Ye applied for permission to organize a demonstration of 10,000 against forced Olympic evictions. After the application, he was detained on August 28, 2004, on suspicion of "disturbing social order" and other public order offenses. He was formally arrested on September 15, 2004, after two weeks of detention. In December 2004, Ye was sentenced to four years in prison by the Dongcheng city court for "picking a quarrel and making trouble." He is due for release in mid-July 2008.
**Wang Dejia:** Wang wrote articles criticizing Beijing for human rights abuses, and stated that China's central government was ignoring the needs of common people in the lead-up to the Olympics and was more concerned about cracking down on dissidents and building new venues. Wang was detained on December 14, 2007, on a charge of "subverting state authority."22

- **Monitor censorship and surveillance:** We are pleased to see the U.S. National Olympic Committee has not issued any orders to U.S. athletes limiting their speech while in China, and we hope U.S. dialogue with China will serve as one way to engage on human rights issues and support freedom of expression. Regarding surveillance, the Chinese government is responsible for providing appropriate security during the Olympics and beyond. We urge the Commission members to monitor two areas of concern: first, the appropriate balancing of security and protections for human rights; and second, the post-Olympic uses of the advanced security technology being developed and implemented for the Olympics. This technology will be in place long after the Games are over and the international media have packed up, and further consideration is required regarding its impact on human rights.23

- **Review of dual-use export control regulations by the Commerce Department:** We understand the Commerce Department is currently revisiting U.S.-China dual-use export control regulations, specifying what security equipment American companies can sell to China. In response to rapid advances in surveillance technology and the increasing involvement of American companies in the Chinese market, the Commerce Department was reported as singling out biometric technology—face-recognition software—which Chinese security agencies could misuse against rights defenders and others. Through appropriate channels with Commerce, Commission members should raise human rights concerns, including concerns regarding corporations that sell equipment directly to the Chinese police.

- Finally, HRIC strongly urges the Commission members to **publicly express their support for the Tiananmen Mothers, and other domestic rights defenders.** Despite the dismissals of June Fourth as belonging to the past by IOC President Jacques Rogge and others, the June Fourth crackdown still plays a defining role in the lives of China's people today.

Respected members of the international community emerge not through elaborately orchestrated spectacles, expensive stadiums, mascots or international fanfare—but by respecting human rights at home and abroad. HRIC hopes the Chinese government will take the opportunity of the Olympic Games, as the whole world is watching, to do just that.

Thank you and I look forward to your questions.

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**Attachment:**

**AN APPEAL FROM THE TIANANMEN MOTHERS TO THE GOVERNMENT: SET A TIMETABLE FOR DIALOGUE ON THE JUNE FOURTH MASSACRE**

On the eve of the Eleventh National People's Congress and the Chinese People's Political Consultative Conference, we, a group of mothers of those killed in the June Fourth Massacre and, therefore, victims ourselves, earnestly request the following of you, the newly elected representatives of the NPC and the CPPCC:

On behalf of those who lost their lives during the June Fourth Massacre, we seek justice and equity to soothe the wounds of history. We wholeheartedly implore each of you: do not disregard the great trust
that has been placed in you, do not insult your mission as representatives. Instead, we urge you, the two Congresses, to carry out a direct, equal, and sincere dialogue on the issue of the June Fourth Massacre with the victims and victims' families.

This is the eleventh time we have made an appeal to the NPC and CPPCC sessions. You who serve as the people's representatives and hold sacred legislative power: if you have any trace of conscience left, if your hearts retain even the smallest amount of sympathy, then how can you be so callous and indifferent?

In the past years, to facilitate this dialogue, we repeatedly requested the impartial and rational resolution of the following three points:

1. **That the Standing Committee of the NPC form a specialized investigation committee on the June Fourth Massacre.** Such committee should conduct an independent, open, and impartial investigation into the June Fourth Massacre and openly publish the results of the investigation, including the names and numbers of those killed in the June Fourth Massacre.

2. **That the Standing Committee of the NPC require the bureau in charge of the June Fourth Massacre to issue a public apology to the family of each casualty of the Massacre in accordance with the law.** The Standing Committee of the NPC should draft and pass a specialized "Law on the Compensation of Victims of the June Fourth Massacre" and give the victims and relatives of the June Fourth Massacre their lawful compensation.

3. **The Standing Committee of the NPC should designate a prosecutorial organ to file and investigate cases from the June Fourth Massacre, and punish those found responsible in accordance with the law.**

At the same time, we have repeatedly stated: "Issues remaining after June Fourth must be resolved through the legal system, in accordance with the law, without interference by any party, faction or individual. They must not be resolved according to the pattern of previous political campaigns, after which the government has always issued its own account of a 're-evaluation and exoneration.' In light of this, we call upon the National People's Congress to make use of the legislative process to discuss, review and issue a resolution on June Fourth issues."

However, we are disappointed that our requests, year after year, have come to nothing. Now that the 19th anniversary of June Fourth is approaching, and the splendid Olympic Games will be held in Beijing, China's capital, people will say: "This is a government that has sent tanks and armored vehicles into its capital to kill countless innocent students and civilians; a government that for more than 18 long years has not dared to confront the aftermath of the tragedy and has repeatedly refused dialogue with the victims' family members. How can this government face the whole world? Is it really possible that, as the host of the 2008 Olympic Games, the government can be at ease allowing athletes from all over the world to tread on this piece of blood-stained soil and participate in the Olympics?"

"China is making 'progress.' He is like a newly awakened giant, rushing forward in huge strides. The floor shakes because of his footsteps. Yet, how many people know that this giant is rushing forward with an extremely deep wound?" This was written by female Taiwanese writer Long Yingtai. Yes, over the past 18 years, China has witnessed dramatic changes in its economic, political and social arenas. The West has long since given up their sanctions against and isolation of China following June Fourth, and has resumed cooperation in the areas of the economy and trade, technology, culture and even the military. At present, Chinese leaders are making use of high-profile slogans such as "harmonious society" and "peaceful rise." Nevertheless, who can deny the fact that the disastrous aftermath of that brutal massacre, one of the
greatest tragedies of our times, even after 18 years, is still unresolved. The wounds deep in the heart of the people are not yet healed. Because of this, the current political and societal landscape continues to deteriorate into disorder and imbalance. This proves that June Fourth, this bloody page in history, has yet to be turned, and remains a "knot" deep inside the people's heart.

Over these past 18 endless years, we, the victims of the crackdown, along with many persons of upstanding moral conscience, have made an effort using many different methods to return historical justice to "June Fourth." We have gradually come to understand from our blood, tears, and pain, that "June Fourth" is not only the misfortune of individual households, but also that of the whole nation. This misfortune originates from suspicion and hostility between individuals, from the Chinese people's indifference toward human life and values, and from a lack of civility and legal order in this land. However, the way to rectify this misfortune is not to counter violence with violence, nor is it for us to murder those of our own social class, as has often happened in Chinese history. One cannot rely on the present rulers' repeated slogans like the "three represents" or "people-friendly strategies." We can only rectify this misfortune by peacefully ending traditional authoritarian politics on Chinese soil and upholding the authority of modern democracy and constitutionalism.

Let each citizen cast away the submissive nature and historical inertia that have been passed down from the imperial era. Let each establish an understanding of the importance of universal human values. Based on this common understanding, we have abandoned the intolerant idea of "an eye for an eye" and the extreme position of countering evil with evil; we have decided instead to use the greatest sincerity and restraint as we seek to peacefully resolve the "June Fourth" heartache. For us, the victims' families, it is difficult and painful to make this rational decision. However, in order to avoid the escalation of conflict and the upheaval of society, we have done so.

We firmly believe history will prove that dialogue is the necessary route for justice and the reasonable settlement of the "June Fourth" problem; there are no alternatives. Nevertheless, history only offers limited opportunities for resolution, and to reject this present opportunity would be to continue this crime against the nation. Now is the time: those leaders who are truly open-minded and have the courage to fulfill their duties should wake up and make some kind of decision.

The world has entered the age of dialogue, yet mainland China remains behind, stagnant, in the age of resistance. This embarrassing and intolerable situation, which no one is willing to face, must end as soon as possible. We note that the Chinese government advocates the use of dialogue to solve differences and disputes in international affairs; we also note that the central government has already set a timetable for the direct election of Hong Kong's Chief Executive. We therefore have even stronger ground for our request that the government solve domestic differences and disputes through a similar method. If China, with its historical tradition of despotic rule, can strive to replace hostility with dialogue, it would benefit the entire nation and be a blessing to all people.

As this country enters into more dialogue, it will manifest more civility and legal order and less ignorance and despotism. We do not blindly believe in the idea of dialogue. It is difficult and tedious. But compared with resistance, dialogue is obviously the higher road. Dialogue should not lead society into opposition and hatred, but rather, into tolerance and reconciliation. In its past history and present reality, our country China has been enormously deficient in this kind of tolerance and reconciliation. Over the past millennium, including these last 100 years, our ancestors have suffered the side-effects of malignant interaction between the government and the people! Today, those with any amount of vision in China should step up their efforts and bravely make new strides forward to end the history of misfortune in our nation.
We are now living in a time of change from despotism to constitutional democracy. This is an unavoidable trend that is in accordance with popular sentiment. In this process of political change, the "June Fourth" incident has stood like a barrier that cannot be passed. The proper settlement of the "June Fourth" question would represent not only a conclusion, but also a new beginning. We hope wholeheartedly that all the representatives will, through your pragmatic endeavors, establish and strengthen the power of the lawmaking body so that settlement of the "June Fourth" issues can soon be added to the agenda. We sincerely hope for each of you that during this session of the NPC and the CPPCC, you do not go against your consciences or let your people down.

Finally, we also sincerely urge China's governing authorities to consider the situation as a whole. Grasp this golden, historic opportunity to respond positively to our aforementioned requests, and propose a timetable for dialogue on the "June Fourth" issues as soon as possible.


9 However, the right to freedom of expression is constrained in China through the criminal and state secrets legal framework, and supported by broader police and social controls as well as sophisticated technology censorship and surveillance tools. HRIC and other groups have documented the use of state secrets crimes against lawyers, journalists, Internet activists and other human rights defenders as a means of controlling dissent. See Human Rights in China, State Secrets: China's Legal Labyrinth, June 12, 2007, [http://hrichina.org/public/contents/41421](http://hrichina.org/public/contents/41421).


15 The campaign website is located at http://www.ir2008.org/.


22 Anita Chang, "Chinese activist held for subversion," AP, December 19, 2007, http://news.yahoo.com/s/ap/20071219/ap_on_re_as/china_dissident_detained_1;_ylt=Am75FBgAk5.2qzyFGJnC85NPzWQA.