

Congressional-Executive Commission on China
**"The Impact of the 2008 Olympic Games on Human Rights and the Rule of
Law in China"**

Wednesday, February 27, 2008

Sophie Richardson
Human Rights Watch

Chairman Levin, Co-Chairman Dorgan, and other Distinguished Members of the Commission,

Human Rights Watch first wishes to thank the CECC for convening this timely hearing. It is a privilege to participate along with such distinguished panelists.

There are three key questions before us today. The first is whether the human rights situation in advance of the 2008 Beijing Games is improving, as the Chinese government has repeatedly insisted it would. We regretfully submit that it is not. Over the past year, we have continued to document not only chronic human rights abuses inside China, such as restrictions on basic freedoms of speech, assembly, and political participation, but also abuses that are taking place specifically as a result of China's hosting the 2008 Summer Games. Those include an increasing use of house arrest and charges of "inciting subversion" as means of silencing dissent, ongoing harassment of foreign journalists despite new regulations protecting them, and abuses of migrant construction workers without whose labors Beijing's gleaming new skyline would not exist. More detail about these and other abuses are included in our written testimony.

The second key question is whether this negative impact will be a lasting one. Human Rights Watch believes that these abuses constitute a failure of the Chinese government to fulfill its own voluntarily made promises to improve rights in order to win the bid to host the Olympics. These were promises made to the international community, to the International Olympic Committee, and, indeed, to the Chinese people. It is clear that the Chinese government has no intention of following through on these commitments, and unless significant pressure is brought to bear to make it do so, we fear the negative impact will not only be very difficult to reverse in the future, but will also mean that in effect the international community has tacitly endorsed the repression necessary to engineer a vision of a modern, cosmopolitan China.

The third question, therefore, is what we can do to alter the current situation to ensure a better outcome. The administration and State Department assure us that they are constantly raising these concerns, and while we do not doubt their efforts, we question the efficacy of "quiet diplomacy" in the absence of more public measures—after all, the decreasing volume of American criticism of China's rights record over the past decade is in part to blame for the current situation, and President Bush and Secretary Rice managed over the course of just a few days last week to contradict one another as to whether the US feels it is appropriate to raise rights issues in the context of the Olympics. The Chinese government desperately wants a positive international assessment of its country during this time of unprecedented scrutiny; we believe that if pressed, they will make progress in order to get such reviews, particularly from the United States.

To that end, Human Rights Watch respectfully urges that:

1. All members of Congress and senior administration officials who visit China in the coming months speak publicly about these abuses, and, when security for all involved can be ensured, visit those under house or actual arrest for challenging the Chinese government's rights abuses.
2. The members of this Commission request public assurances from US-based Olympic sponsors that their business practices in China do not contribute to rights abuses.
3. That the Administration be asked to articulate how it will respond to rights abuses in the coming months, including how it is prepared to assist American journalists who are intimidated, harassed, or detained while trying to do their jobs.
4. That the Administration explain what specific rights-promoting activities the President will engage in while in Beijing to demonstrate that his rhetorical commitments be made real. These could include making himself available for on-line discussions to underscore the importance of internet freedom, visiting unregistered churches to emphasize the right to practice religion freely, or speaking publicly about the constraints under which Chinese journalists are forced to operate.
5. And, if the current crackdown shows no sign of abating in the coming months, ask the Administration to publicly reconsider whether it is still appropriate for the President to attend the opening or closing ceremonies.

If steps like these are not taken—and taken soon—the US government runs the risk of giving an imprimatur of approval to the Chinese government's rights record.

Thank you for the opportunity to participate and for the Commission's ongoing commitment to human rights issues.

Background on human rights abuses in advance of the 2008 Beijing Olympics

Despite China's official assurances that hosting the 2008 Olympic Games will help to strengthen the development of human rights in the country, the Chinese government continues to deny or restrict its citizens' fundamental rights, including freedom of expression, freedom of association, and freedom of religion.

The government's extensive police and state security apparatus continues to impose multiple layers of controls on civil society activists, critics, and protesters. Those layers include professional and administrative measures, limitations on foreign travel and domestic movement, monitoring (covert or overt) of internet and phone communications, abduction and confinement incommunicado, and unofficial house arrests. A variety of vaguely defined crimes including "inciting subversion," "leaking state secrets," and "disrupting social order" provide the government with wide legal remit to stifle critics.

Human Rights and the 2008 Olympics

Despite temporary regulations in effect from January 1, 2007, to October 17, 2008, that give correspondents freedom to interview anyone who consents, foreign journalists continue to be harassed, detained, and intimidated by government and police officials. The temporary regulations do not extend to Chinese journalists or foreign correspondents' Chinese assistants, researchers, and sources, who continue to risk reprisals for violating government directives on taboo reporting topics.

Official efforts to rid Beijing of undesirables ahead of the Olympics have accelerated the eviction of petitioners—citizens from the countryside who come to the capital seeking redress for grievances ranging from illegal land seizures to official corruption. In September-October the Beijing municipal government demolished a settlement in Fengtai district that housed up to 4,000 petitioners.

The countdown to the Olympics has also sparked a construction boom. An estimated one million migrant construction workers are integral to this effort, yet their labor conditions are harsh and unsafe, and workers are often unable to access public services. When a subway tunnel under construction collapsed in March, trapping six workers, the first step the employer took was to prevent workers from reporting the accident by confiscating their mobile phones.

Freedom of Expression

In 2007 the Chinese government stepped up its efforts to control increasingly vibrant print and online forms of expression, and sanctioned individuals, journalists, and editors for failing to conform to highly restrictive but inconsistently implemented laws and regulations.

China's system of internet censorship and surveillance is the most advanced in the world. Filtering, blocking, and monitoring technologies are built into all layers of China's internet infrastructure. Tens of thousands of police remotely monitor internet use around the clock. The elaborate system of censorship is aided by extensive corporate and private sector cooperation—including by some of the world's major international technology and internet companies such as Google, Yahoo, and Microsoft. Writers, editors, bloggers, webmasters, and journalists risk punishments ranging from immediate dismissal to prosecution and lengthy jail terms for sending news outside China or posting articles critical of the political system. For example, Zhang Jianhong, former editor-in-chief of the Aegean Sea website, was sentenced to six years' imprisonment on March 19 for "inciting subversion."

The countdown to the Beijing Olympics has seen the threshold lowered for internet content considered "sensitive" by China's censors and prompted closure of access to thousands of websites in 2007, including popular international sites such as Wikipedia and Flickr. The government has expanded its traditional criteria for internet censorship from topics including references to the 1989 Tiananmen Massacre, the outlawed Falungong "evil cult," and content perceived as sympathetic to "separatist" elements in Tibet, Xinjiang, and Taiwan, to include "unauthorized" coverage of everything from natural disasters to corruption scandals that might embarrass the Communist Party of China (CPC). By official estimate the government shut down more than 18,000 individual blogs and websites since April 2007, and in August censors widened their focus to include shutting down numerous internet data centers. Official measures to filter or remove "sensitive" content from domestic websites sharply accelerated in the run up to the 17th CPC Congress in October.

Chinese journalists continue to risk severe repercussions for pursuing stories that touch on officially taboo subjects or threaten powerful private interests. Miao Wei, former executive editor of *Sanlian Life Weekly*, confirmed in April that he had been demoted in connection with a cover story on the aftermath of the Cultural Revolution (1966-1976). Lan Chengzhang, a reporter with *China Trade News*, was murdered in January while investigating an illegal coalmine in Datong, Shanxi province. In mid-August five journalists, including a reporter from the government mouthpiece *People's Daily*, were interviewing witnesses to the Fenghuang bridge collapse in Hunan province when plainclothes thugs interrupted the interviews and kicked and punched the journalists, who were then detained by police.

Legal Reform

Legal reforms proceeded at a fast pace in 2007 in order to achieve the CPC's overriding goal of making the rule of law "the principal tool to govern the country." New legislation was adopted on a wide range of issues such as property rights, labor contracts, administration of lawyers, access to public records, and the handling of emergencies. But the party's continued dominance over, and interference with, judicial

institutions, as well as weak and inconsistent enforcement of judicial decisions, means that overall the legal system remains vulnerable to arbitrary interference.

Ordinary citizens face immense obstacles to accessing justice, in particular over issues such as illegal land seizures, forced evictions, environmental pollution, unpaid wages, corruption, and abuse of power by local officials, a situation that fuels rising social unrest across the country. The authorities have stopped disclosing figures about the number of riots and demonstrations after they announced a decline from over 200 incidents per day in 2006, but large-scale incidents were reported in 2007 in almost all of China's 34 province-level administrative units. Several demonstrations involved tens of thousands of people, such as in Yongzhou (Hunan) in March 2007 and Xiamen (Fujian) in June. In speeches and articles top security officials acknowledged the heightening of social conflicts, but remained defiant toward greater independence of the judiciary, blaming "hostile" or "enemy forces" for trying to use the nation's legal system to undermine and westernize China. A string of lawyers defending human rights cases have been suspended or disbarred under a yearly licensing system that acts as a general deterrent to taking cases viewed as "sensitive" by the authorities.

The rights of criminal defendants continued to be sharply limited and violated by law enforcement agencies. Defense lawyers face chronic difficulties including accessing defendants in custody, consulting court documents, and producing exculpatory evidence before the court. Despite the reiteration by the Supreme People's Court in September that judges ought to "pay more attention to evidence and treat confessions with more skepticism," torture, especially at the pretrial stage, remains prevalent. The Public Security Bureau continues to make wide use, including for political and religious dissidents, of the Reeducation-Through-Labor system, which allows detention for up to four years for "minor offenders," without trial.

Human Rights Defenders

Chinese human rights defenders, seizing on the official promise of lawful governance, are becoming more assertive and skillful at documenting abuses and mounting legal challenges. But the authorities, who have never tolerated independent human rights monitoring, have retaliated with harassment, unlawful detention, forced disappearances, and long prison sentences, often on trumped-up charges.

Authorities have targeted a small, loosely-organized network of lawyers, legal academics, rights activists, and journalists, known as the *weiquan* movement, which aims to pursue social justice and constitutional rights through litigation. The movement focuses on the protection of ordinary citizens over issues such as housing rights, land seizures, workers' rights, and police abuse. Yang Chunlin, a land rights activist arrested in July, was found guilty in February 2008 of "inciting subversion" for his role in organizing a petition titled "We want human rights, not the Olympics." Lu Gengsong, a former lecturer turned activist who documented illegal eviction cases and official collusion, was found guilty in February 2008 on charges of subverting state power. In August 2007 environmental activist Wu Lihong was sentenced to three years' imprisonment under ill-defined business fraud charges; his wife reported he had been tortured while held incommunicado. Yang Maodong, a Guangzhou-based land rights activist arrested in September 2006 and still awaiting trial, also reported that he had been repeatedly tortured in detention.

Defenders who document and report abuses against other activists are particularly vulnerable. In September lawyer Li Heping was abducted in broad daylight, held for six hours, severely beaten, and told he should leave Beijing. Li Jianqiang, a renowned human rights lawyer, was disbarred without reason. The human rights monitor Hu Jia has been maintained in house arrest in Beijing for the most part of the year out of any legal procedure. Yuan Weijing, the wife of the blind activist Chen Guangcheng who is

currently serving a three-year sentence for exposing family planning abuses, was also prevented from traveling abroad to collect a human rights prize on his behalf.

Labor Rights

Chinese workers continue to be forbidden to form independent trade unions, as the government maintains that the party-controlled All-China Federation of Trade Unions (ACFTU) adequately protects workers' rights. This restriction on legally-sanctioned labor activism, coupled with increasingly tense labor disputes in which protesting workers have few realistic routes for redress, have contributed to increasing numbers of workers taking to the streets and to the courts to press claims about forced and uncompensated overtime, employer violations of minimum wage rules, unpaid pensions and wages, and dangerous and unhealthy working environments.

Workers who seek redress through strike action are often subject to attacks by plainclothes thugs who appear to operate at the behest of employers. In July a group of 200 thugs armed with spades, axes, and steel pipes attacked a group of workers in Heyuan (Guangdong), who were protesting over not having been paid for four months; they beat one worker to death.

Human Rights Watch will soon release a report detailing abuses of migrant construction workers in Beijing.

Freedom of Religion

The Chinese government recognizes the right to believe, but limits worship to a state-controlled system of registered and controlled churches, congregations, mosques, monasteries, and temples.

The official registration process requires government vetting and ongoing scrutiny of religious publications, seminary applications, and religious personnel. The government also closely monitors the membership and financial records of religious institutions and the personnel they employ, and retains the right to approve or deny applications for any group activities by religious organizations. Those who fail to register are considered illegal and are liable for criminal prosecution, fines, and closure.

Reprisals against non-registered religious organizations have primarily focused on arrests of Protestants who attend "house churches," for Bible study meetings and training sessions. The majority of those arrested are rapidly released, some after paying fines, but leaders of such underground churches are sometimes held on fabricated charges including "illegal business practices." The freedom of belief of certain groups designated by the government as "evil cults," including Falungong, continues to be severely restricted.