

OPEN FORUM ON HUMAN RIGHTS AND THE RULE OF LAW IN CHINA

ROUNDTABLE

BEFORE THE

CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

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CONTENTS

	Page
STATEMENTS	
Opening statement of Ira Wolf, Staff Director, Congressional-Executive Commission on China	1
Ding, Ignatius Y., Chairman, Silicon Valley for Democracy in China	2
Martin, G. Eugene, consultant, former Deputy Chief of Mission, U.S. Embassy, Beijing, China	3
Zhang, Erping, President, Falun Gong International Committee for Human Rights	5
Purohit, Raj, Lawyers Committee on Human Rights	7
Hou, Wenzhuo, student, Harvard University Law School	10
APPENDIX	
PREPARED STATEMENTS	
Martin, G. Eugene	24
Zhang, Erping	25
Purohit, Raj	27
Hou, Wenzhuo	29
SUBMISSION FOR THE RECORD	
Prepared statement of Wenhe Lu and Ciping Huang, board members of the Independent Federation of Chinese Students and Scholars in the United States	32

OPEN FORUM ON HUMAN RIGHTS AND THE RULE OF LAW IN CHINA

MONDAY, MARCH 4, 2002

CONGRESSIONAL-EXECUTIVE
COMMISSION ON CHINA,
Washington, DC.

The roundtable was convened, pursuant to notice, at 2:30 p.m., in room SD-215, Dirksen Senate Office Building, Mr. Ira Wolf (staff director of the Commission) presiding.

Also present: Mr. John Foarde, Deputy Staff Director; Ms. Holly Vineyard, representing Grant Aldonas, U.S. Department of Commerce; Mr. Michael Castellano, Office of Representative Sander Levin; Ms. Jennifer Goedke, Office of Representative Marcy Kaptur; Ms. Sharon Payt, Office of Senator Sam Brownback; Ms. Kate Friedrich, representing Paula Dobriansky, State Department; and Ms. Susan O'Sullivan, representing Lorne Craner, State Department.

OPENING STATEMENT OF IRA WOLF, STAFF DIRECTOR, CONGRESSIONAL-EXECUTIVE COMMISSION ON CHINA

Mr. WOLF. Good afternoon. My name is Ira Wolf. I am the staff director of the Congressional-Executive Commission on China. This is John Foarde, the deputy staff director.

I would like to welcome everyone here today to the first public issues roundtable being held by the Congressional-Executive Commission on China.

We have been instructed by Senator Baucus, the chairman, and Congressman Bereuter, the co-chairman, to hold a series of staff-led public issues roundtables to go into greater detail on areas of concern to the Commission.

We are starting this series with today's open forum, where we are allowing anyone to present his or her views on human rights and rule of law in China—personal views or organizational views. We hope to do this several times a year.

Once we have completed this open forum, we will begin roundtables on specific issues. There is a list on the back table that has the schedule for these continuing roundtables.

The next session will be on March 18 on labor rights. Also, the list in the back of the room has the schedule for full commission hearings. The next one will be April 11 on human rights and legal reform.

Let me briefly describe the format today. We will have each presenter speak for 5 minutes, and then we will have questions from the staff of the members.

The lights behind me will go off. The yellow light will go off in 4 minutes, and in 5 minutes the red light and the bell will go off. So, you have 5 minutes to present your oral statement, and we will be happy to take any written statement or documents for the record.

We also are happy to accept any written documents from people who are not here to testify today—also for the record.

This is the first time we are doing this, so it is a learning experience for all of us, including the staff members for the commissioners.

Let us start with Mr. Ding, chairman of Silicon Valley for Democracy in China. Welcome.

STATEMENT OF IGNATIUS Y. DING, CHAIRMAN, SILICON VALLEY FOR DEMOCRACY IN CHINA

Mr. DING. I am from Silicon Valley. That is on the edge of the ocean. Anyway, I just came back from China around February 18, exactly 2 weeks ago. So I have some recent experience traveling to China, not only in cities, but we purposely, a group of us, went out and traveled into rural areas, several hundred miles away from the city.

We just wanted to get some sense of what is going on, because 90 percent of the Chinese population, as you know, are in the rural areas, mostly in the farming community.

Anyway, the primary purpose for my personal reason for being there, was attending an International Law Conference. That was the first surprise, when I heard that the discussion in Shanghai and human rights came up. They were heated discussions, talking about between the laws between the KMT and the Communist Party. It was kind of interesting discussion that I did not expect.

But immediately, there is no surprise, the media got chased out of the room half-way through. So, that was my first taste of the use of the Security Bureau in China.

Anyway, the media followed us when they found out we were going to rural areas. So, there are two national teams from northern China that followed us into the village. Actually, in the slides you can see the pictures. They followed us even during Chinese New Year. They followed us all the way through in the 2-week duration there.

So I have to emphasize that there is a major difference in the press censorship in a city and in the rural area. It is much more open. So, I want to make that point.

The other thing I noticed, because I do not have much time, but I spent a little bit of time, since I am from Silicon Valley, I cannot help it, but looking into why we stopped receiving e-mails from China.

So the first thing I did in Shanghai, was to get into an Internet cafe and start looking around. What I found interesting enough, is they have high-speed access and very low-speed reception. It is pretty evident that the censorship is on all the time.

When I went to the rural area, the Internet cafe was closed during the New Year, so they did not get a chance to check it out.

But when I got back, I found an article that is in a package. It turned out, the American corporations are helping the Chinese

Government censor their e-mail down to the packets, is the terminology.

In other words, every little bit coming through the sisko box in IBM, all the corporate giants from America, to make a buck, they cannot resist temptation and they have developed the software and the hardware to help the Chinese Government to censor everything coming through the wire.

So that is one thing I think the Commission should take note of and look into, how to convince these people not to do this any more.

But, again, coming back to the media, what I find is, the liberal attitude, especially when I attended several town hall meetings in the village, I find it is very refreshing and hopeful.

So I believe one of the things to address the Chinese human rights issue is not to beat them up, but encourage the county-to-county chamber of commerce at the lower level, to develop a grass-roots relationship. I believe that will really liberate and help improve the human rights conditions there.

For example, we have a Falun Gong representative here. I saw all kinds of propaganda in their city halls, but nobody paid any attention in the counties. In the cities, of course, if you mention that word, you are in the next wagon going to you know where.

Anyway, so I believe it is important for the Commission to look into this matter and improve or develop some kind of mechanism to adopt a county by U.S. counties, or some kind of college program that encourages students to go there and teach English, learn Chinese, learn the culture, to do the grassroot exchanges. That will, I think, have a huge push in the human rights area.

That is my observation. I will entertain any questions, because I spent quite a bit of time, the entire time in the rural area, and I asked a lot of questions. I would be more than happy to answer questions. I want to just conclude here.

Mr. WOLF. Thanks a lot, Mr. Ding.

Next is Eugene Martin, a consultant and former Deputy Chief of Mission at the U.S. Embassy in Beijing.

Mr. Martin.

STATEMENT OF G. EUGENE MARTIN, CONSULTANT, FORMER DEPUTY CHIEF OF MISSION, U.S. EMBASSY, BEIJING, CHINA

Mr. MARTIN. Thank you. It is a pleasure to be here.

After having the opportunity to attend the hearing on February 7, I was very impressed by the comments of the witnesses at that time. Going home and thinking about it, I thought one of the things that would be worth mentioning in relationship to the development of rule of law and democracy in China, is the need for China to move toward a civil society.

As it looks toward representative government under a rule of law, I think the development of a civil society will be a critical building block. Allowing citizens to form and join groups which foster common goals of society while furthering their own interests will advance human rights and democracy by providing a shock-absorbing cushion between the government and private citizens.

Civil society can be defined, in part, as institutions formed by citizens individually or collective which are apart from state or party apparatus. The institutions' goals can be to serve the goals

or the interests of their own members, or as part of furthering their societal goals as a whole.

These institutions could be oriented toward social goals, services, religious pursuits, academic, professional, or various other business goals. Individuals would have a sense of belonging to a group or body with shared ideals and objectives, perhaps reducing alienation and dissension.

The problem in China is that the government sees such organizations as potential rival power centers, competing ideological or philosophical bodies, and socially destabilizing agents.

China has a long history of secret societies and movements which became either criminal or political, and, on occasion, succeeded in overthrowing the dynasties. One need only look at the Taiping Rebellion in the 19th century, or Sun Yat-sen's Tongmenghui movement at the latter part of the 19th century.

Given the increased availability of information and the speed of modern communication, organizations have enhanced means of connecting their members throughout the country.

This is in part why the Chinese Government has clamped down so hard on a number of such groups, whether they are Falun Gong, independent labor unions or religious bodies, insisting on state/party control over all organizations.

Nongovernmental civil society organizations, however, are an important component in the nation's effort to provide its citizens with the means to prosper, meet society's needs, and advance national interests.

During the first 30 years of the People's Republic, the Party insisted on controlling and dictating all activity, whether economic, political, or social. Individuals had little, if any, private space in which to pursue their own ideas and interests.

Under the economic reforms initiated by Deng Xiaoping, China unleashed Chinese citizens' innate abilities and enthusiasm. The citizens, therefore, gained greater control over their private lives.

As they got more choices in their lives, the Chinese had a growing desire to protect and advance their own individual and collective interests in association with other like-minded people.

Professional, cultural, religious, and social groupings advocate development of a transparent and consistent rule of law, as well as greater "political space" to express opinions and ideas. These goals often parallel those advocated by the government and the party; occasionally, they diverge.

In most cases, those that differ from the state/party are not antithetical or threatening. Rather, they propose a different approach to problems based upon grassroots perspectives.

Such diversity can only strengthen and stabilize China's society by giving citizens peaceful, lawful means to express their opinions and to work to advance them. While some groups undoubtedly will oppose state or party policies, transparency, diversity, and public discussion usually will result in moderate policies toward common societal goals.

Civil society is taking root in China. As economic reforms develop, the government finds it is unable to provide all of its citizens' needs and expectations. The State Owned Enterprise [SOE]

crisis, floating population, rural recession, urban dislocations cause problems the government cannot resolve on its own.

A number of nongovernmental organizations [NGOs] have been allowed, even encouraged, by the government, albeit under close state or party supervision and control. These deal with environment, natural disaster, and poverty challenges.

Other nongovernmental groups have stepped in, mostly at the local level, to provide social services when the government cannot for financial or structural reasons. These include volunteer support in orphanages or elder homes, counseling to migrants and unemployed SOE workers, medical assistance in rural or migrant communities, and tutorial help to students.

These services are desperately needed by the society in transition from a planned to a market economy and can be accomplished through private organizations. By allowing such groups to fill the void, the government is already beginning to foster a civil society. Much more needs to be done.

In conclusion, the development of a broader civil society in China is an integral part of the advancement of the rule of law and human rights.

Thank you.

[The prepared statement of Mr. Martin appears in the appendix.]

Mr. WOLF. Thank you very much.

Next is Mr. Erping Zhang, president of the Falun Gong International Committee for Human Rights.

**STATEMENT OF ERPING ZHANG, PRESIDENT, FALUN GONG
INTERNATIONAL COMMITTEE FOR HUMAN RIGHTS**

Mr. ZHANG. Thank you very much. Thank you for giving us the opportunity to speak on the plight of the Falun Gong practitioners in China.

As you may recall, the U.S. House and Senate unanimously passed concurrent resolutions in November 1999 condemning the People's Republic of China for its brutal persecution of Falun Gong practitioners.

Some victims have also been invited to testify their stories before Congress and we are grateful for the support that the U.S. Congress has shown us during this difficult time.

We are, however, sad to report that in the year 2002, the repression has only worsened. At last account, it has been confirmed that 375 practitioners have died in police custody since Falun Gong was banned in China in July 1999, while the unofficial report is over 1,600 deaths.

The Chinese vice premier, Li Lanqing, said in a speech that in just 3 short months, between July and October 1999, over 35,000 people who appealed to the Beijing regime were arrested.

According to human rights groups and media reports, at least 100,000 people have been sent to labor camps without a trial; some 600 people have been handed extended jail sentences up to 18 years in jail; more than 1,000 have been sent to mental institutions where they were given forced injections and drugs.

One harrowing case is that of Ms. Zhao Xin, a 32-year-old lecturer in economics at a Beijing business university. After she was rounded up in a park for doing her exercises with her friends, po-

lice beat her so viciously that they crushed three of the vertebrae in her spine.

She was paralyzed from the neck down and her vocal chords were damaged during surgery so she could no longer talk. Later, she died, and the police tried to interrupt her funeral procession organized by her university colleagues and students.

We can imagine the despair of her family. All of their efforts to appeal to the courts or to get some explanation from the authorities about how their daughter could have been treated this way have been summarily dismissed.

For every case that we know about, there are many, many more. There are cases of discrimination and harassment that, while less severe than torture, have nonetheless wreaked havoc with people's lives. Thousands upon thousands of practitioners have lost their jobs, schools, pensions, and even their homes.

Falun Gong is not a Chinese issue, but an international matter. Recently, groups of western Falun Gong practitioners throughout the world went to the Tiananmen Square in Beijing to peacefully appeal to the Chinese regime to stop the killing and lifting the ban. Over 30 of them were Americans.

For their peaceful appeal, they were harshly treated and physically abused before being deported. Many had their personal belongings taken away by police, such as credit cards, cash, cameras, laptops, and so on.

It is hard to imagine that this apolitical meditation is peacefully practiced in over 50 countries, and yet is brutally suppressed in its own homeland.

While China is stepping up its domestic efforts in persecuting Falun Gong practitioners, its propaganda and harassment against Falun Gong have also arrived overseas, especially here in America.

The Wall Street Journal reported, on February 21, 2002: "The approach, made variously by letter, phone call or personal visit from a Chinese official based at China's Washington Embassy or one of its numerous consulates, tends to combine gross disinformation with scare tactics, and in some cases, slyly implied diplomatic and commercial pressure."

Typical is the experience of Santee, California, a city of 58,000 on the outskirts of San Diego County. A little over a year ago, Mayor Randy Voepel received a letter from the newly arrived Chinese consul general in Los Angeles, asking him to not support Falun Gong and saying that it could "jeopardize your social stability."

Also, noting that China would "like to establish and develop friendly relations with your city," and implying this would require complying with China's wishes. This letter went on to urge that "no recognition and support in any form should be given to the Falun Gong," and urged banning them from registration as any kind of official organization.

The mayor replied, "Your letter personally chilled me to my bones. I was shocked that a Communist Nation would go to this amount of trouble to suppress what is routinely accepted in this country . . . I have the greatest respect for the Chinese people in your country and everywhere in the world, but I must be honest in my concern for the suppression of human rights by your govern-

ment as evidenced by your request.” Then this issued a mayoral proclamation commending the Falun Gong.

Such blunt assault on the civil liberty of U.S. citizens and intervention on American internal affairs are in direct violation of U.S. and international laws.

Last month, He Yafei, deputy chief of Mission of the Chinese Embassy visited Mr. Rocky Anderson, the mayor of Salt Lake City, who issued a proclamation last year honoring Falun Gong. In a “security briefing” for Mr. Andersen, he attempted to label Falun Gong as a “terrorist group.”

Yet, the Wall Street Journal reported: “Mr. Anderson let the demonstration go ahead, on February 7. It was so peaceful, says a mayoral spokesman, that the sole problem with the Falun Gong was that “they walked very slow.”

We appeal to this Congressional-Executive Commission on China to investigate and stop such harassment by the Chinese Government on United States soil.

We are hoping to work with the Commission to put in place concrete and specific measures to, first, pressure the Beijing government to release those detained and imprisoned Falun Gong practitioners; second, help those imprisoned Falun Gong practitioners seeking medical treatment abroad, due to maltreatment and harsh conditions in prison; third, hold hearings for victims of Falun Gong practitioners so that this largest modern-day atrocity in China is highlighted; fourth, identify those Chinese officials who have engaged in human rights abuses and ban them from entering the United States; fifth, use every opportunity and tool this Commission has to call for an end of Beijing’s suppression of Falun Gong.

Thank you very much for your consideration.

[The prepared statement of Mr. Zhang appears in the appendix.]

Mr. WOLF. Thank you.

Next is Mr. Raj Purohit with the Lawyers Committee on Human Rights.

STATEMENT OF RAJ PUROHIT, LAWYERS COMMITTEE ON HUMAN RIGHTS

Mr. PUROHIT. The Lawyers Committee is an independent non-government human rights organization based in New York and Washington, DC. We aim to hold governments accountable to international standards of human rights and work to develop stronger models of corporate accountability in the global marketplace.

The Lawyers Committee considers that human rights conditions in China continue to be an issue of deep concern. Over the past year, China has secured a prominent position in the international arena, symbolized by its admission to the WTO [World Trade Organization] as a successful bid to host the 2008 Olympics and the recent visit of President Bush.

However, this has not been accompanied by a parallel improvement in human rights. Instead, government statements about upholding the rule of law have frequently veiled harsh political repression.

This is most poignantly illustrated by the Strike Hard campaign which resulted in scores of executions after procedural and substantive abuses of domestic criminal law in China.

Moreover, in the aftermath of the September 11 tragedy in New York and Washington, DC and Virginia, antiterrorist rhetoric has been misused to legitimize harsh crackdowns and illegitimate censorship of all forms of media, including the Internet in China.

An abundance of NGO reports, as well as the annual evaluations of China's human rights practices by the State Department's Bureau of Democracy Human Rights and Labor, rate these and other violations of the most fundamental human rights.

They described crackdowns on dissidents, cases of arbitrary arrest and detention of suspects, torture, forced prison labor, and abusive labor conditions.

Freedom of expression continues to be restricted and voices that have endeavored to draw attention to pressing issues of national and global concern are violently silenced.

The Lawyers Committee has welcomed positive developments in the Chinese legal system over the past few decades. However, continuing violations illustrate that a strong legislative framework cannot, by itself, secure the rule of law.

It is necessary to enforce this legal framework and practice. To that end, China needs to build a strong, independent legal profession.

I would like to focus briefly on the persecution of lawyers in China. I would just like to sort of highlight a concern about the continuing persecution, threats, and harassment suffered by lawyers who confront common injustices in China.

In 1998, we addressed this and related issues in our report "Lawyers in China: Obstacles to Independence in the Defense of Rights." It is a copy I shall make available to the Commission and its members.

Unfortunately, many of the problems described in that report continue to be matters of concern. The report includes analysis of the 1996 Lawyers Law, which in general terms regulates the legal profession. The Lawyers Law was inspired by, yet does not wholly encompass, the U.N. Basic Principles of the Role on Lawyers from 1990.

Nevertheless, the law and the basic principle share their intention to protect lawyers from physical or other forms of abuse, and from interference when carrying out their responsibilities in accordance with the law.

However, despite the strong legal framework, there are reoccurring reports of intimidation and threats targeted at legal practitioners.

One such case, that of Mr. Litai, illustrates this problem. Since 1996, Mr. Litai has helped workers in the Shenzhen area to obtain their rights in legal battles against local government authorities, foreign investors, and company owners in a series of cases that have drawn public attention. Over the years, he had represented more than 800 factory workers in labor disputes and struggles for compensation for grave work injuries.

Many of these cases involved legal action against the Labor Bureau or the social security department. In August last year, he represented 56 women in a South Korean-owned wig factory in Shenzhen who had been the victim of illegal body searches. The company chose to settle the case out of court.

On December 19, 2001, the Longgang District Bureau of Justice in Shenzhen ordered Mr. Zhou to close his legal practice. The order, which apparently contravenes both international law and domestic regulations, seems to be an illegitimate retaliation for the negative attention that Mr. Zhou's successful litigation practice has drawn to the Shenzhen region.

As noted above, the Chinese Lawyers Law expressly protects lawyers from such ungrounded interference and intimidation. Such interference is also outlawed in international human rights standards.

Specifically, the Lawyers Law states in its Article 12 that "legal practice shall not be subject to geographical limitation." This means that a lawyer licensed in one region of China may practice in another without obstruction from the local authorities.

Mr. Zhou, who is in possession of a Chongqing license, is entitled to practice anywhere in China. The District Bureau has no power to obstruct Mr. Zhou's practice of law.

He has, in fact, filed suit against the District Bureau of Justice with the Longgang District People's Court to contest the legitimacy of the order. In this respect, it should be noted that the Shenzhen local Bureau of Justice has previously attempted to confiscate his license shortly after he started his practice in 1997. At that time the bureau returned the license to Mr. Zhou after he initiated legal proceedings.

The Lawyers Committee believes that the case of Mr. Zhou deserves particular consideration in light of China's recent ascension to the WTO and the obligations that membership in this organization entails with respect to the elimination of barriers to trade.

It should be considered that the continuing threats and harassment threats against Mr. Zhou, and in particular possible withdrawal of his license to practice, are wholly inconsistent with China's obligations under the WTO and set a most disturbing precedent.

Mr. Zhou's activities show that the Chinese people increasingly turn to the legal system for protection. This commendable development needs to be protected and stimulated.

Working toward the development of the rule of law, it is of key importance that China continues to build and enforce its legal system to guarantee a sustainable protection of basic human rights, as well as the interests of foreign investors

The legal system will only be as strong as the professionals who work within it. China should adhere to its own laws and to international standards, upholding the independence of lawyers and their protection from persecution.

I have just a few brief recommendations here. We believe that it is important to recognize the educative, guiding role that can be played by foreign governments, human rights groups, law schools, bar associations, and other international actors in the development of law in China.

Underlining the position of China as a prominent member of the international community, efforts should be made to ensure that the continued involvement of these foreign actors.

The Chinese Government should fully comply with the provisions of the U.N. Basic Principles on the Role of Lawyers, and to revise

those aspects of Chinese law that restrict the ability of lawyers to freely represent their clients and to organize independent bar associations.

Lawyers should be free to carry out their professional duties without official interference, restrictions, threats, or intimidation.

Particular assistance should be provided to the training of lawyers, both in China and abroad. Training programs should be designed to fit with China's particular conditions and needs. The exchange and sharing of relevant information should be stimulated. Assistance should be also provided to China's law schools for the design of courses and teaching methods.

Bar associations and the Chinese Ministry of Justice should be engaged to create mechanisms that ensure the adequate protection of legal practitioners.

At the same time, to promote high professional standards, these institutions should be encouraged to publicize and facilitate the rights of clients to bring malpractice suits, in the belief that this will encourage lawyers to seriously consider their professional responsibilities.

Assistance should be provided in the creation of a legal aid system, by providing know-how and financial support where appropriate.

Assistance should be provided to train and sensitive the relevant branches of government to the importance of the independent role of the lawyer within the legal system.

These are just a few observations in this particular area. I look forward to working with the members of the Commission and the staff. Thank you.

[The prepared statement of Mr. Purohit appears in the appendix.]

Mr. WOLF. Thanks very much.

Next is Ms. Wenzhuo Hou, who is a visiting fellow at Harvard Law School. Please go ahead.

STATEMENT OF WENZHUO HOU, STUDENT, HARVARD LAW SCHOOL

Ms. HOU. Thank you very much.

Ladies and gentlemen, I would like to highlight here today about a kind of human rights violation which affects the largest number of Chinese people, and yet has hardly gained much attention from the international community or the Chinese Government.

That is, the human rights violation against peasants and rural migrant workers, who number over 1 billion people and more than 70 percent of the Chinese population.

The Chinese household registration system, that is, the hukou system, created in the 1950s established a rural/urban dichotomy system. Since then, Chinese citizens are classified into two categories: those who are urban hukou versus those who are rural hukou.

These two kinds of hukou status have made Chinese citizens live in two worlds, the urban first world and the rural third world.

I have recently been undertaking research, making comparisons between the Chinese hukou system versus the apartheid regime in

South Africa. There are astonishing similarities in these two countries.

Population registration laws in both countries, that is, the Population Registration Act in South Africa and the Household Registration Regulation in China, are the cornerstones of a discriminatory system where one higher category group dominated the rest.

While in South Africa black and colored people were deprived or confined in their working rights, in China, according to election law, the peasants only have one-fourth or one-eighth of the representative rights that an urban citizen has.

The largest social group in China, the peasants have no national or regional representative associations, which directly contributed to their marginalized political situation.

The peasants are also deprived of equal opportunities to get access to housing, primary education, higher education, employment, medical care, social security, and so on.

Black people in South Africa are regularly checked for their pass, while in China rural migrants are checked for their temporary residential card, work permits, and often are arbitrarily sent to custody and repatriation centers.

Even worse than what is experienced by black people, the Chinese peasants have minimal rights to land. Rights of property and products are often traded upon. They not only have to pay this proportional heavy tax to the state and collective, but also are subject to numerous arbitrary fines and fees.

We know that rural women in China have the highest suicide rate in the world. As we know, school children in Jiangsee were killed when they had to produce fireworks for a living.

In Shanghai Province, teenaged boys were tricked into working in gold mines where they were treated as slaves, or even worse. Such horrific stories happen all over China very often.

In a broader sense, all Chinese peasants and rural migrants are all virtual slaves of the state. The rights and properties are often abused by various governments at will, their liberties are often deprived arbitrarily. In industrial areas, the monetary compensation they get is even less than half of an urban hukou person, if at all.

If we truly mean to talk about human rights today, the human rights of peasants and migrants are too huge to ignore. If we do not want to see the impoverished and desperate peasants start another violent peasant revolution, as has happened so many times in Chinese history, we must address the human rights injustices for peasants now.

If we acknowledge this discrimination against peasants is comprehensive, multifaceted, and institutionalized, we should realize that it is not enough to address the problem in the classical human rights approach.

It calls for a more systematic approach. Therefore, I advocate that rights of peasants and rural migrants be singled out as a major category of human rights and seriously studied, as we do for women's rights, children's rights, or labor rights, and so on.

Therefore, I call upon the international community to examine and monitor the human rights of peasants and migrant workers in China.

I recommend the following actions should be taken. First, to adopt a categorical, identical discrimination approach in monitoring human rights situations of peasants. That is, discrimination based on descent, the hukou.

Second, to single out discrimination and human rights violations against peasants and migrants while documenting human rights in China, such as in the U.S. State Department reports.

Third, to facilitate the reform of rural government, which has become increasingly rent-seeking and exploitative in nature.

Fourth, to review the impact of the WTO on Chinese peasants. Noting the WTO's potential devastating effects on peasants' livelihood, which may unleash social unrest from rural China to the rest, it is of particular immediacy and importance to address the human rights concerns of peasants.

To bring the human rights of peasants into the forefront of the human rights discussion would greatly empower the peasants and migrants. It will make this human rights argument more relevant to the most powerless people in China who are willing to participate.

I believe attention to human rights of peasants and migrants would give tremendous support to the democracy movement in China.

Thank you very much.

[The prepared statement of Ms. Hou appears in the appendix.]

Mr. WOLF. Thank you very much.

Is Mr. Wenhe Lu here, by any chance?

[No response]

[The prepared statement of Mr. Lu appears in the appendix.]

All right. That concludes the presentations from those who came today. We appreciate it very much.

We are going to go around and we will use the normal 5-minute rule. We will do this in the order that everyone came today. If you choose not to ask questions, that is also all right, too.

So let me start. This question is for both Mr. Martin and Mr. Purohit on legal aid. In light of the problems that you mentioned, for example, with Mr. Zhou, the lawyer that we have all read about so much, what is the possible impact, over the short term, of increased assistance to legal aid projects? I have the same question for you, Mr. Martin, in terms of the efforts to build civil society.

Mr. PUROHIT. I think when one considers, be it the legal aid groups, the civil society groups, bar associations, et cetera, I think there is a very general notion.

We are of the belief at the Lawyers Committee that we have got to have this combination, in a country like China, of external pressures, at the same time sort of working with those internally within the system who are trying to effectuate some change. If you like, that is sort of the moderates within the system.

So be it the individual is trying to set up legal aid clinics, or bar associations, or for that matter chamber of commerce groups, etc., I think whatever can be done, both at the Commission level and through private partners that the Commission and the United States Government-at-large is working with, whatever can be done to get those groups engaged in a sort of constructed and supported way in China, I think, is useful.

It is sort of supporting those who need the support. The external pressure, I think, is going to be there, both from the government and nongovernment, but sort of getting this balance right is what it is all about.

Mr. MARTIN. I think there are a lot of things that could be done. The proviso, of course, is any time we have an international organization that tries to go in and work with a domestic organization in China, the government becomes suspicious of what the goals and intentions of the foreign organization are.

When I was in China with the consulate in Guangzhou, Rotary International was very interested in trying to open up opportunities to have Rotary in China. I think things like Rotary, and business societies, and professional groups would be very, very useful.

I know that there are a number of professional groups that are starting their own organizations in China. I hope that at some point it will be possible for them to have an association or working relationship with other organizations such as Kiwanis, or Rotary, or what have you, overseas. There is a tremendous amount of service that could be provided by such organizations.

Mr. WOLF. Mr. Ding, I wonder if you have a comment.

Mr. DING. It just so happens that I went to China to attend the International Law Conference, which was attended by over 100 legal scholars and lawyers, and this particular subject came up.

In fact, what they indicated was, instead of outside interference or pressure, they would welcome the opportunity if there is any kind of assistance to provide grassroots education and training programs, short-term training programs, let them organize it themselves, and they can promulgate this throughout the country.

This talk is like a foreign type of thing at a conference. The leading advocate of this is one of the retired prosecutors that has returned from Hague, who was a prosecutor who represented China in the International Court.

So, I believe with the legal scholars inside China to back this effort, if somehow we can provide assistance to provide like sabatinal programs and actually train people inside China and let them provide legal aid program, I think that that is doable.

Mr. WOLF. Ms. Hou, the concerns you raise, are they addressed at all by providing legal assistance to individuals at the grassroots?

Ms. HOU. I still would like to highlight what is experienced in rural China. I happened to talk to some women's groups who are working for promoting the anti-family violence movement. We should be concerned. The legal construction in rural China is really very underdeveloped, far more underdeveloped than urban China. The legal system in rural China is very corrupted.

So I think the focus, therefore, should be really put more on those very underdeveloped areas. I do not know exactly what kind of program can be undertaken, but if we are serious in that there can be something done to promote a turning and capacity building of a rural legal justice system.

Mr. WOLF. Thank you.

Next is John Foarde.

Mr. FOARDE. Thank you.

Mr. Ding, let me ask you if you have seen this. You were probably in China when this came about. But about 10 days ago, there was an article in the Weekly Standard magazine.

Mr. DING. Yes. That is in the package.

Mr. FOARDE. It is in the package?

Mr. DING. Yes.

Mr. FOARDE. All right. And it reflects some of the themes that you talked about, particularly the role of U.S. businesses in providing the software, the hardware, and the backbone sometimes for the efforts by public security authorities to control e-mail and other things. Could you elaborate a little?

Mr. DING. That is almost half true. I believe the firewall is building toward the outside. All the guns are pointed outside. But I have also seen very devastating, very ugly Internet access there. If you go to an Internet cafe, it is very, very popular there for the young people, sad to say, and it is full of pornography.

So, the censorship is actually not working inside. So they basically censor the IP addresses. So anything coming from outside is censored. They are not doing anything inside. So, it is corrupt inside, but yet they are not doing anything at all. The reason I looked at it, is because we stopped receiving e-mails and I knew something was wrong.

It is because of the four-tier suffix that they key on certain things that come in from the United States. It becomes automatically a candidate. They cannot possibly decensor everything.

So I think that's what they build, and it is blocking the e-mail coming from outside. Not just e-mails, also the Web site traffic. I think that this, by and large, is what the American corporations should take responsibility for.

Mr. FOARDE. When you say "censor," exactly what are they doing? Are they not permitting the mail to get through, or are they taking out words or whole sections of text? What is happening in censorship?

Mr. DING. They just block it. You cannot see it.

Mr. FOARDE. So you do not see it.

Mr. DING. You do not see it at all. It says, "Time Out." That is all. They use a different word, but it is essentially just a time out. You cannot see it. You ran out of time. You cannot access it. They have high-speed access, but things are so slow. It is very evident that something is behind it, checking it.

Mr. FOARDE. Let me switch just a little bit, on the same topic. You said you visited a number of rural areas and villages. How much connectivity is there really in villages and how much would people use the Internet if they could?

Mr. DING. It is available there. But the problem is, they have the end-user access, but there is not enough ISP. The service largely depends on the cities. So that is why one of the things I addressed was the rural areas, the rights of the rural people. It is county-to-county.

We need to try to push this commerce relationship into services down to that level, and then they will become independent from the big cities. Then I think they will have the access more freely.

Mr. FOARDE. Is it fair to say, from what your observations were during your trip, that the closer you get to a big city the better the connectivity is in a rural area?

Mr. DING. Yes. But also less freedom. Actually, the cops are all over the place. If you go to a rural area, and you can see the picture that I included on the CD-ROM, the press just goes freely anywhere they want to. But, in a city, they are basically handicapped. They were locked up in a hotel and they could not do anything.

Mr. FOARDE. Thank you.

Mr. WOLF. Next is Holly Vineyard from the Department of Commerce.

Ms. VINEYARD. I have a question, directed primarily to Mr. Martin, but others should feel free to comment.

From your time that you spent in China, could you comment perhaps on the types of technical assistance that we provided for commercial rule of law development? What kinds of those are most helpful for fostering civil society and improving human rights?

Mr. MARTIN. There are training programs by a number of the law schools in the United States with various law schools at universities in China that are providing them both, in terms of case studies, as well as examples. In addition, a lot of Chinese, of course, come to the United States and study here and then go back.

There are also training courses for defense lawyers and also for prosecutors and judges to try to help them in terms of regularizing their work and making sure that they follow the rules and the laws that are on the books in China.

Ms. HOU. I have a comment. I think, regarding the legal development, that, yes, the commercial law is developing very fast. What is not paid enough attention to, is cut-purse ethics. When you ask whether McDonald's or another international business or domestic business pays enough attention to cut-purse ethics? No.

I mean, if you look on the Internet, there was a case, not so much paid attention to in the English media, that was where McDonald's was paying far less to local, domestic Chinese laborers.

It was about 2 yen an hour to domestic laborers to domestic Chinese workers in McDonald's, which is about 200 yen something a month.

They are selling things at McDonald's at the same price as in the United States, while the workers there do not even have enough to eat for the whole day after working 6 or 7 hours. Corporations only care about whether they are doing good business. They do not care about labor rights.

There is not enough enforcement about whether corporations observe and respect the ethics. It is because the Chinese Government does not care so much about that, nor does international business care about it. So, that, I wanted to say.

Mr. ZHANG. If you do not mind, I would like to clarify a few things on the side in terms of rule of law. In China, it is different. We do not have a rule of law, we have rule by the law.

The law is the policy of the Chinese Communist Party [CCP]. We have a constitution on paper, which probably quite as comprehensive as it is here. They do not follow it. They follow the central policy.

For example, in the case of Falun Gong, the Central Communist Party Committee has 16 offices. The 16 offices are set up for the Communist Party Leader, Nochow Jomin, and headed by the Vice Premier, Lelon Ching.

They have all the authority to arrest, to put people behind bars, to kill them, to do anything without going through trials, without having lawyers present in court, without following any legal procedures. So, I just wanted to clarify that so people can concentrate on that.

Mr. WOLF. Next is Susan O'Sullivan from the State Department Bureau of Democracy, Human Rights, and Labor.

Ms. O'SULLIVAN. I have a question for Zhang Erping. I have heard some reports that prospective employees are required to sign pledges that they will not join the Falun Gong, and that employees already in American companies are asked to sign these pledges. I am wondering if you have any information on that subject, particularly in foreign-owned businesses in China.

Mr. ZHANG. Yes. Thank you. We have seen, in Time magazine that the foreign companies are required to comply with the Chinese Government policy to not hire anyone who believes or practices Falun Gong.

But so far, none of the foreign companies have confessed that they have worked with the Chinese Government in this regard, except for the Danish Brewery Company. Obviously, they have fired a person for practicing Falun Gong, who has just been released after 2 years in a labor camp.

We are also trying to collect evidence to work with our government on the details, but I am sure that all of the foreign companies based in China have been pressured to comply with this procedure.

Ms. O'SULLIVAN. Thank you.

Mr. WOLF. Next Kate Friedrich from the Office of the Under Secretary for Global Affairs at the State Department.

Ms. FRIEDRICH. Yes. I have a question for Mr. Ding. When you talked about your 14-day trip to cities in rural areas of China, which specific rural areas were you in? This is sort of a two-part question. Did you find that, when you talked about more freedom, there was less censorship in those areas where the Internet was available?

Mr. DING. I was only in Jiangshu and Shojon Provinces in southern China.

Ms. FRIEDRICH. And the censorship?

Mr. DING. I did not really see that much censorship. I do not know whether it was just shut down during the New Year period or whether they just have more freedom in the rural areas. I can see actually people being followed in the city. I was surprised I was let in at all. Actually, I got in faster than anybody else, and I suspect there was a reason behind that. But I did not want to figure it out, I just went in. I went in there and, as soon as I got out of the city, I found that there is no interference whatsoever.

I did not check the Internet, like I said. All the Internet cafes were shut down so I did not get a chance. But I could see that people talked more freely, act more freely. Actually, it is the reverse compared with 2 years ago. I heard in the city you have more income, have more things available.

Now, everything is available in the rural area, but the living standard is much lower. But in the city, people do not make enough. So when we say people do not make enough to eat at McDonald's, even if they work there, that is in the city. You do not find McDonald's in the rural areas, but I think people find plenty of food there. So, it is sort of a reversed fortune at the moment.

Ms. FRIEDRICH. Thank you.

Mr. WOLF. Next is Jennifer Goedke from the Office of Congresswoman Marcy Kaptur.

Ms. GOEDKE. This question is for Mr. Martin and anyone else who would like to join in. As we see more United States- and foreign-owned businesses moving into China, how can those businesses then help to foster some of the groups that you spoke about? I know that we have heard stories of, people who work at the McDonald's cannot even afford to eat at the McDonald's.

So how then would the United States or other foreign-owned businesses actually go beyond meeting minimum needs to encouraging some of the broader needs, whether it be organizing the labor or even just smaller social groups?

Mr. MARTIN. I think one example I would give is in some of the large, say, Nike factories, shoe factories, or electronics factories in Guangdong Province, where you have say, 3,000 young women and a couple of hundred men who are working there. These are people who have left home in the rural areas for the first time, are away from family and community structures.

I think some companies—not all—have been quite helpful in trying to provide counseling, providing recreation facilities, helping the workers structure themselves so that they can take care of their own social problems, providing counseling and other things. I think this is a very good way that they can do it.

We have also found that, in most foreign-invested companies, that the working conditions are much better than they are in many of the, shall we say, other Asian-invested companies, or even in the Chinese state companies. So people prefer to work there.

I am shocked to hear about McDonald's pay scales. But, in the McDonald's I have been in China, they seem to be quite happy working there.

Now, I have not been aware of their wages and salaries, but I think that there are a number of ways in which the foreign-invested companies do help them in terms of both their working conditions, but also working in terms of the environment, in terms of work rights, and so forth.

Mr. ZHANG. I would like to respond to Susan's question regarding the foreign companies. We do have a few Americans who were arrested in China in the year 2000–2001 and were detained in a detention center. They were making hairbrushes and making McDonald's toys, and making other things for export during their 30-day and 2-week detention in southern China, in Shenzhen City.

So, we do not know which foreign company exactly is doing that, but the inmates told the Americans who were making hairbrushes there from 9 o'clock until 10 o'clock in the evening that these were for export to the United States.

Ms. GOEDKE. I have one more question, and anyone can feel free to answer. As we are talking about human rights, another item

might be a right to health care. With this huge spread of either AIDS or other infectious diseases, how would either a legal framework, which would allow people more access to health care, or through some of the multinational corporations that are there, can anyone speak to access to health care as well?

Ms. HOU. I may have a small comment, although I am not an expert. A friend of mine recently undertook a trip, a law student at Harvard, to several provinces in China to research on the AIDS issue.

I think, in fact, you can see that the AIDS problem in China is less because of the health or availability of health care. Yes, it is available, but the more fundamental reasons are the political corruption and control of information.

For example, this patent law. The patent law, like for Microsoft software, there are lots of copied things. You can buy them easily in Beijing. But the patent rights of AIDS medicines were strictly enforced. Why?

In his words, the patents of AIDS medicines was too sensitive. Well, they are risking people's lives to protect those patents, while they do not really take care of patents of whatever other products.

So I think we have to address, really, the fundamental political problem and legal problem. If foreign businesses would like or are willing to help, what they have done in South Africa is they have offered lots of medicine there for a lower price. Certainly, they should pressure the government. They should not adopt a rigid approach regarding the maximum price.

I believe in transparency. The problem is very important and it is really because of this control of information. It has caused the problem. It is a lot more serious than it is.

Ms. GOEDKE. Thank you.

Mr. DING. Actually, there is something I have seen. The funny thing is, if you go to China, anything is for a bargain, even if you go to a restaurant. I had an experience where we sat down, were about to order a banquet. We would make a deal. We would actually get a discount, then we order.

But there is one monopoly in China. You go to a pharmacy. Down to the single penny, there is no bargain. It is very expensive stuff. There is a total monopoly. I do not know who is behind it, but this is absolutely true.

I know some people cannot afford to buy those things. Of course, if we use U.S. dollars, we think it is cheap, but obviously the average person cannot afford it.

Mr. MARTIN. Could I just add one word? I think you have put your finger on a real serious problem, particularly in rural areas, is the lack of medical access.

There have been a few encouraging news stories about, particularly in Henan, where you have got a tremendous problem of HIV because of the polluted blood supply. I think that a couple of people have actually won legal cases on that, and that is quite encouraging. Obviously there is a lot more that needs to be done.

Mr. WOLF. Thanks.

Next is Mike Castellano from the office of Congressman Levin.

Mr. CASTELLANO. Thank you. This is for Mr. Martin and for whoever else would like to answer.

We have heard a lot with China's WTO accession of how western companies, with increased investment and with the umbrella of the WTO, can help influence positively the development of China's legal system and the rule of law in China.

I guess some of the things you all have commented on today make me worry, though, about the reverse of that process, which is China's legal regime and political regime impacting the western companies there and either encouraging them to not employ members of the Falun Gong, or encouraging them to engage in censorship if they are an Internet company.

How can the western governments best position themselves to ensure that the process is going the right way? That is, it is the values from the west coming in rather than sort of the reverse of that with the Chinese impacting the western companies' business practices there?

Mr. MARTIN. I think my initial comment would be that, by providing western management techniques and working conditions, that they are showing that there are different ways of doing things, to which most Chinese workers have not had much exposure.

They have clean working conditions, they have regular hours, they are listened to, they are allowed to make decisions on their own rather than just following orders. I think this is spreading throughout the society far beyond just the factories.

I think the American chambers of commerce in China are helpful in terms of getting the individual companies to be able to work together collectively to resist some of these government pressures, and also to encourage an opening up and a broader approach to worker rights, and also to working conditions in general.

There are many ways in which I think the example of American companies is spreading, because Chinese companies now have to compete, in many cases, with western companies. I think they are finding that it is hard to get workers, good workers, to work for them. Everybody wants to work for the foreign-invested company.

So, I think these things are a gradual process. I think that, generally, the American companies are trying to do well. You have got to distinguish, of course, between those who are contract companies and others.

Shoe manufacturers are often Korean- or Taiwan-invested, owned, and run rather than American themselves. But I think, even there, most companies have a code of conduct that they take very seriously.

Ms. HOU. I have a comment about the WTO issue. I think we should not assume that the WTO necessarily would bring a rule of law into China and a free market would necessarily do good to China. There are lots of signs. It has actually contributed to worsening labor situations, their disrespect of labor rights.

What is more important, we should give more support to the domestic and local initiative of self-governing, self-organizing to support the trade union effort and to support those areas which traditionally are neglected.

For example, the trade union of migrant workers. There is no such organization like this free trade union of migrant workers. No. There is no farmers union in China, no peasants union. There is no such thing. We should really give lots of attention on those tra-

ditionally neglected areas. I have talked with a few farmers' organizations. At Harvard, there are some students doing something like that.

If, let us say, we promote Chinese peasants to learn something from an American farmers union, collective bargaining, and so on, we can therefore promote their bargaining power in politics.

If we promote the capacity building of the rural migrant workers, farmers, and so on, there will be a more powerful construction of those organizations. That will put business more on the alert to labor rights. That is a more fundamental approach to address the issue.

I believe, yes, the United States can do something to promote this kind of international exchange and to help mold capacity building in those neglected areas.

Mr. ZHANG. If you do not mind, I will add a few points. I think probably everyone knows that the Falun Gong is not against the WTO in China. I think it is probably innocent to project that China will automatically behave itself in human rights with its entry into the WTO.

As the saying goes, it is very difficult to train a tiger to become a vegetarian. The business community has been pressured by the government to comply with the suppressive policy on the Falun Gong practitioners.

A report produced by the U.S. State Department, and also by the U.S. Commission on International Religious Freedom, the suppression and human rights abuses have worsened, not improved.

I think the United States needs to stand very firmly on its moral grounds, as it did in the case of the former Soviet Union. We should trade with principles and we should engage with the people, not just the dictators who abuse the human rights of their citizens. Thanks.

Mr. DING. I think I want to make a distinction, because we are not talking about one problem here, we are talking about more than one problem. So we probably will not develop one single solution, a panacea, to address them all.

But to go back to the basics, we will be able to help with basic legal training, helping them organize themselves. Also, give them the background to understand how they can work solutions out by cultural exchanges down to the lower levels.

My own son went to China to actually teach English by using just daily life, what we do, how we live, and how we fight battles with each other. That sort of thing actually enlightened them. They did not realize that there are rights in their own life. They can develop that.

As far as Internet problems, I think if you look at bribery, for example, why did American companies stop bribing officials? Sanaka Sony took the bribes from Lockheed Space Missiles Corporation back in the 1970s. It is because the Americans passed laws. So, I think on that side, legislation will help.

But for workers rights and the rural area, those kinds of things, I think we need to really look at the very basic things. The law is not going to do anything. We need to empower the people, going through very basic stuff.

Mr. WOLF. Thank you.

Next is Sharon Payt with Senator Brownback.

Ms. PAYT. Thank you, Ira.

We understand that there has been a rise, a dramatic increase in religious persecution in the last couple of years. I am sorry I missed your presentation, Erping, but we have talked many times.

Senator Brownback is, of course, a supporter of China and PNTR [Permanent Normal Trade Relations], but he is also very concerned about this most recent wave of religious persecution.

I do not know whether you mentioned Pastor Gungshang Ling, who was set for execution along with his niece on January 5 and a group of people intervened. The execution was temporarily stayed, but he still sits in prison. I know there are many others also facing this specter.

Just on a rather lighter note, a couple of Kansans, 2 weeks ago, were even arrested as Falun Gong practitioners. They had not even gotten into Tiananmen Square. They were actually on their way and they were picked up and held. They do not have the same fate as many people in China do to practice their faith freely, quietly, with dignity.

How do we address this and how can we help expand or promote the expansion of religious freedom in China, Erping or Raj?

Mr. ZHANG. I think, Sharon, you raise a very important issue. Like I said earlier, I think the United States is at its best when it is acting according to a firm moral ground, as we did with the former Soviet Union.

We should not give in under any pressure, for trade or whatever, to the demands of the Chinese Government. We trade with principle in every engagement with China, not just with a dictator. We engage with the people, we empower the people, like Mr. Ding said.

The other thing that is alarming from my statement earlier, is that Chinese Government harassment has come over to the United States, as reported by the Wall Street Journal, by the Washington Post, by the Chicago Tribune. I will file these in the congressional record. It is alarming.

They are coming over here with propaganda, harassing, intimidating local government and business communities not to support U.S. citizens living in this country, freely practicing whatever faith they want.

So, this is very scary and, thus, something that I hope that this Commission will investigate and stop this kind of harassment. Obviously, it is very important that, when we engage with China, we have to raise this issue, that religious freedom is very basic to civil society, to the rule of law, and to the prosperity of China. It is for peace, not just for the Chinese people, but also people worldwide.

Ms. PAYT. And Erping, just to clarify, you are referring to several incidents involving municipalities, cities, counties that had put forth resolutions adopted condemning religious persecution activities by the government, and then later retracted them because of pressure.

Mr. ZHANG. That is right. Yes. Also, there were local governments who, because of the diplomatic and commercial threats and pressure, felt frightened.

So, they had to rescind their proclamations, issued for the local citizens who practice Falun Gong, condemning the persecution. The

majority of the people stand up to the pressure. They say, here, on U.S. soil you cannot do that, intimidate us here. I hope that our government will speak out on this important issue.

Ms. PAYT. I know there are many Members of Congress who have talked about it among themselves and who are very concerned about it. We have had many phone calls, ourselves.

Mr. ZHANG. Thank you very much.

Mr. PUROHIT. I think just to sort of add on that point, a lot of the talk here today has been about sort of constructed engagement and working with bar associations, civil society groups, and the chambers of commerce. All of that is crucial, through the WTO and trade.

All of those sorts of engagements, particularly at the private sector level, are going to happen. I think, as all of you know as well as we do, that the other dimension is going to be the external pressure now that we are done with some of these trade debates, getting that pressure put on the Chinese Government, raising these issues in a high-profile manner.

When the Commission is in a position where it starts to go over that, taking the commissioners over and actually raising the profile of human rights, labor, religious freedoms in China, all of those—and I think we are preaching to people who already know this stuff—things are going to be so important because we have got to have this balance between engagement, but also pressure and flagging at a very, very high level the problems.

I think, be it China or any other number of countries across the world where groups such as ours are concerned, we look to opportunities, for example, in presidential visits, for certain magic words to be raised, a particular case or a particular problem raised at the highest level, for the members of this Commission in particular, but all Members of Congress, I think, for them in their interactions with Chinese Government members, parliamentarians, etc.

It is all right to be critical. It is all right to be critical and then, on the other hand, to be supportive of engagement. But we should not risk going too far the other way.

Ms. PAYT. Yes. I agree, Raj.

Mr. WOLF. On behalf of the chairman and co-chairman, and I think on behalf of all the commissioners, we appreciate your coming here, especially those of you who came from out of town. It shows a deep and important commitment that all of the members of the Commission share.

We hope this will be the first of regular open forums like this. We are glad that the five of you came. Next time, we hope to see twice as many, and twice as many after that, as we try to hear from as many voices as possible in the communities that are interested in the issues of human rights and rule of law in China.

[Whereupon, at 3:45 p.m. the roundtable was concluded.]

A P P E N D I X

PREPARED STATEMENTS

PREPARED STATEMENT OF G. EUGENE MARTIN

MARCH 4, 2002

TOWARD A CIVIL SOCIETY

As China moves toward more representative government under the rule of law, the development of civil society will be a critical building block. Allowing citizens to form and join groups which foster common goals of society while furthering their own interests will advance human rights and democracy by providing a shock absorbing cushion between government and individuals.

Civil society can be defined in part as institutions formed by citizens individually or collectively apart from the State or party apparatus. The institutions' or organizations' primary goal would be to serve the goals or interests of their members. The groups could be oriented toward social goals, services, religious pursuits, or academic ends. Individuals would have a sense of belonging to a group or body with shared ideals and objectives, thus reducing alienation and dissention.

The problem in China is the government sees such organizations as potential rival power centers, competing ideological or philosophical bodies, or socially destabilizing agents. China has a long history of secret societies and movements which became either criminal or political and, on occasion, succeeded in overthrowing the dynastic government. One need only look at the Taiping Rebellion or Sun Yat-sen's Tongmenghui movement. Given the increased availability of information and the speed of modern communication, organizations have enhanced means of connecting their members throughout the country. This in part is why the Chinese government has clamped down so hard on a number of groups, from the Falung Gong to independent labor unions and religious bodies, insisting on state/party control over all organizations.

Non-governmental civil society organizations are, however, an important component in a nation's efforts to provide its citizens with the means to prosper, to meet society's needs, and advance national interests. Many countries have learned that an engaged, informed and active citizenry can complement the government's efforts to achieve common goals. During the first 30 years of the People's Republic, the Party insisted on controlling and dictating all activity, whether economic, political or social. Individuals had little if any private space in which to pursue their own interests or ideas. Then under Deng Xiaoping's economic reforms, China unleashed Chinese citizens' innate abilities and enthusiasm. The resulting transformation of China's economy also gave its citizens greater control over their private lives.

As Chinese citizens gain more choices in their lives, there is a growing desire to protect and advance their individual and collective interests by associating with like-minded people. Professional, cultural, religious or social groupings advocate development of a transparent and consistent rule of law as well as greater "political space" to express their opinions and needs. These goals often parallel those advocated by the government and party; occasionally, they diverge. In most cases, those that differ from the state/party are not antithetical or threatening. Rather, they propose a different approach to problems based upon grass roots perspectives. Such diversity can only strengthen and stabilize China's society by giving citizens peaceful, lawful means to express their opinions and to work to advance them. While some groups undoubtedly oppose State or party policies, transparency, diversity and public discussion usually result in moderate policies toward common goals.

Civil society is taking root in China. As economic reforms develop, the government finds it is unable to provide all its citizens' needs and expectations. The State Owned Enterprise (SOE) crisis, floating population, rural recession, urban dislocations cause problems the government can not resolve. A number of non-governmental organizations (NGO's) have been allowed, even encouraged, by the government, albeit under close state/party supervision and control. These deal with environmental, natural disaster, and poverty challenges. Other non-governmental groups have stepped in to provide social services when the government cannot for financial or structural reasons. These include volunteer support in orphanages or elder homes, counseling to migrant and unemployed SOE workers, medical assistance in rural or migrant communities, and tutorial help to students. These services are desperately needed by the society in transition from a planned to a market economy and can be accomplished through private organizations. By allowing such

groups to fill the void, the government is already fostering the beginnings of a civil society.

The development of a broader civil society in China is an integral part of the advancement of the rule of law and human rights.

PREPARED STATEMENT OF ERPING ZHANG

MARCH 4, 2002

Mr. Chairman, members of this Commission, ladies and gentlemen:

Thank you for giving us this opportunity to speak on the flight of Falun Gong practitioners in China.

As you may recall, the U.S. House and Senate unanimously passed concurrent resolutions in November 1999, condemning the People's Republic of China for its brutal persecution of Falun Gong practitioners. Some victims have also been invited to testify their stories before the Congress. We are grateful for the support the US Congress has shown us during this difficult time.

We are, however, sad to report that in the year 2002, the repression has only worsened. At last count, it has been confirmed that 375 practitioners have died in police custody since Falun Gong was banned in China in July 1999, while the unofficial report is over 1,600 deaths. Chinese vice premier, Li Lanqing, said in a speech that in just three short months between July and October of 1999, over 35,000 people who appealed to the Beijing regime were arrested. According to human rights groups and media reports, at least 100,000 people have been sent to labor camps without a trial; some 600 people have been handed extended jail sentences up to 18 years; more than 1,000 have been sent to mental institutions where they are given forced injections and drugs.

One harrowing case is that of Ms. Zhao Xin, a 32-year-old lecturer in economics at Beijing Business University. After she was rounded up in a park for doing her exercises with her friends, police beat her so viciously that they crushed three of the vertebrae in her spine. She was paralyzed from the neck down, and her vocal cords were damaged during surgery so she could no longer speak. Later, she died, and the police tried to interrupt her funeral procession organized by her university colleagues and students. We can imagine the despair of her family—all their efforts to appeal to the courts or to get some explanation from the authorities about how their daughter could have been treated in this way have been summarily dismissed.

Su Gang, a young software engineer from Shandong Province was injected with nerve-damaging drugs while he was kept in a mental hospital. Within a week, this healthy man became extremely weak and his motor functions were severely compromised. He was released only because a family member went on a hunger strike on his behalf, but it was too late—he died shortly thereafter.

For every case that we know about, there are many, many more, and there are cases of discrimination and harassment that, while less severe than torture, have nonetheless wreaked havoc with people's lives. Thousands upon thousands of practitioners have lost their jobs, schools, pensions, and even their homes.

Unlike in the U.S., Chinese citizens cannot just change jobs as they wish, so many families have become destitute and must rely on the kindness of friends and other practitioners. In some towns, corrupt local police are demanding stiff "fines" before they release Falun Gong practitioners from detention, and very often the amount is more than the life savings of entire families.

The list of abuses continues to grow. But counter to the Chinese Government's expectations, Falun Gong practitioners are going stronger in their nonviolent struggle for freedoms. If there is one thing that the world is beginning to see is the sheer perseverance of the Falun Gong practitioners in China. They know that their cause is just.

As a spiritual practice with ancient cultural roots, Falun Gong is based on undeniably good and universal principles of Truthfulness, Benevolence, and Forbearance. In addition to the health benefits, Falun Gong has guided people to achieve greater inner peace and wisdom. Over the past 2 years, the practice has helped people develop a strength of character that is not commonly seen.

With all the beatings and mistreatment, the practitioners in China have not retaliated and, in many instances, they are turning the other cheek. They are forbearing, and they have chosen to use only peaceful, non-violent means to appeal. People sometimes ask why the practitioners in China don't just denounce Falun Gong, and then practice it secretly anyway. For many millions, the reason is simple—such an action would be a lie and a betrayal of their deepest convictions. These are people who don't just pay lip service to their integrity—they live it.

Given the escalating persecution against other spiritual and religious faiths in China, Rabbi David Saperstein, former Chair of the U.S. Commission on International Religious Freedom has said “Falun Gong has almost become the symbol of religious freedom more broadly.” These practitioners are showing the people of China that freedom of belief is so utterly basic to almost every other freedom. No matter what your faith may or may not be, what we as human beings believe in our souls must ultimately arise from free will. History tells us that anyone who tries to dictate otherwise is ultimately not fighting on the right side.

Falun Gong is not a China issue, but an international matter. Recently, groups of Western Falun Gong practitioners throughout the world went to Tiananmen Square in Beijing to peacefully appeal to the Chinese regime for stopping the killing and lifting the ban. Over 30 of them were Americans. For their peaceful appeal, they were harshly treated and physically abused before being deported. Many had their personal belongings taken away by police such as credit cards, cash, cameras, etc. It is hard to imagine that this apolitical meditation is being peacefully practiced in over 40 countries, and yet it is brutally suppressed in its homeland.

While China is stepping up its domestic efforts in persecuting Falun Gong practitioners, its propaganda and harassment against Falun Gong have also arrived overseas, especially here in America. The Wall Street Journal reported (Feb. 21, 2002):

The approach, made variously by letter, phone call or personal visit from a Chinese official based at China’s Washington Embassy or one of its numerous consulates, tends to combine gross disinformation with scare tactics and, in some cases, slyly implied diplomatic and commercial pressure.

Typical is the experience of Santee, Calif., a city of 58,000 on the outskirts of San Diego County. A little over a year ago, Mayor Randy Voepel received a letter from the newly arrived Chinese consul general in Los Angeles, Lan Lijun. Mr. Lan’s letter began with a cheery greeting and rolled right along to describe the Falun Gong movement as a “doomsday” cult that creates “a panic atmosphere” and if left unchecked in America could end up “jeopardizing your social stability.” Noting that China would “like to establish and develop friendly relations with your city”—and implying this would require complying with China’s wishes—Mr. Lan’s letter went on to urge that “no recognition and support in any form should be given to the Falun Gong” and urged banning them from registration as any kind of official organization. Not so typical was Mr. Voepel’s reaction. A Vietnam War veteran, he wrote back: “Your letter personally chilled me to my bones. I was shocked that a Communist Nation would go to this amount of trouble to suppress what is routinely accepted in this country . . . I have the greatest respect for the Chinese people in your country and everywhere in the world, but must be honest in my concern for the suppression of human rights by your government as evidenced by your request.

Mr. Voepel then issued a mayoral proclamation commending the Falun Gong.

Such blunt assault on the civil liberty of US citizens and intervention on American internal affairs are in direct violation of the US and international laws. Last month, He Yafei, deputy chief of mission of the Chinese Embassy visited Mr. Rocky Anderson, Mayor of Salt Lake City, who issued a proclamation last year honoring Falun Gong. In a “security briefing” for Mr. Anderson, He attempted to label Falun Gong as a “terrorist group,” as Falun Gong was one of many groups that had applied for permission to hold a peaceful demonstration during the Olympics. The Wall Street Journal reported: “Mr. Anderson let the demonstration go ahead, on Feb. 7. It was so peaceful, says a mayoral spokesman,

that the sole problem with the Falun Gong was that ‘they walked very slow.’” We appeal to this Congressional-Executive Commission on China to investigate and stop such harassment by the Chinese Government on the U.S. soil.

We are hoping to work with this Commission to put in place concrete and specific measures to (1) pressure the Beijing regime to release those detained and imprisoned Falun Gong practitioners; (2) help those imprisoned Falun Gong practitioners seeking medical treatment abroad, due to maltreatment and harsh conditions in prison; (3) hold hearings for victims of Falun Gong practitioners so that this largest modern-day atrocity in China is highlighted; (4) identify those Chinese officials who have engaged in human rights abuses and ban them from entering the U.S.; (5) use every opportunity and tool this Commission has to call for an end of Beijing’s suppression of Falun Gong.

Thank you for your consideration, and I will be pleased to take your questions.

PREPARED STATEMENT OF RAJ PUROHIT

MARCH 4, 2002

The Lawyers Committee is an independent non-governmental human rights organization. We aim to hold governments accountable to the international standards of human rights, and work to develop stronger models of corporate accountability in the global market place.

The Lawyers Committee considers that human rights conditions in China continue to be an issue of deep concern.

Over the past year, China has secured a prominent position in the international arena, symbolized by its admission to the WTO, its successful bid to host the 2008 Olympics and the recent visit of President Bush. However, this has not been accompanied by a parallel improvement in human rights. Instead, government statements about upholding “the rule of law” have frequently veiled harsh political repression. This is most poignantly illustrated by the “Strike Hard” campaign, which resulted in scores of executions after procedural and substantive abuses of criminal law.

Moreover, in the aftermath of the September 11 tragedy in New York, anti-terrorist rhetoric has been misused to legitimize harsh crack-downs in Tibet and Xinjiang province, and illegitimate censorship of all forms of media, including the internet.¹

An abundance of NGO-reports, as well as the annual evaluations of China’s human rights practices by the State Department’s Bureau of Democracy, Human Rights and Labor, narrate these and other violations of the most fundamental human rights. They describe crackdowns on dissidents, cases of arbitrary arrest and detention of suspects, torture, forced prison labor, and abusive labor conditions. Freedom of expression continues to be restricted, and voices that endeavor to draw attention to pressing issues of national and global concern are frequently violently silenced.

The Lawyers Committee has welcomed positive developments in the Chinese legal system over the past few decades. However, continuing violations illustrate that a strong legislative framework cannot by itself secure the rule of law. It is necessary to enforce this legal framework in practice. To that end, China needs to build a strong, independent legal profession.

PERSECUTION OF LAWYERS

In this submission, the Lawyers Committee wishes to highlight its concern about the continuing persecution, threats and harassment suffered by lawyers who confront common injustices. In 1998 the Lawyers Committee addressed this and related issues in a report on “Lawyers in China: Obstacles to Independence and the Defense of Rights.”² Unfortunately, many of the problems described in that report continue to be matters of concern.

The report includes an analysis of the 1996 Lawyers Law, which, in general terms, regulates the legal profession.³ The Lawyers Law was inspired by, yet does not wholly encompass, the U.N. Basic Principles on the Role of Lawyers (1990).⁴ Nevertheless, the Law and the Basic Principles share the intention to protect lawyers from physical or other forms of abuse, and from interference when carrying out their responsibilities in accordance with the law.⁵ However, despite this strong legal framework, there are recurring reports of intimidation and threats targeted at legal practitioners. The case of Zhou Litai illustrates this problem:

¹For instance, the NGO Human Rights in China reports the recent arrest and detention, on January 24, 2002, of Wang Daqi, Professor of Construction of Hefei Industrial University and editor of Ecology magazine. Since the 1989 Beijing crackdown, Professor Wang had published articles about social and human rights issues. The Chinese authorities previously attempted to prevent Prof. Wang from publishing these articles. At <http://iso.hrichina.org:8151/iso/news—item.adp?news—id=691>.

²1998, New York. A copies of this report are available upon request.

³Lawyers Law of the People’s Republic of China, adopted May 15, 1996, effective January 1, 1997. The Lawyers Law is available online at <http://www.qis.net/chinalaw/prclaw10.htm>.

⁴Adopted by the Eighth United Nations Congress on the Prevention of Crime and Treatment of Offenders, held in Havana, Cuba, August-September 1990. The Basic Principles enshrine the rights and responsibilities of lawyers around the world, and also lay out states’ obligations to ensure effective and equal access to lawyers for their residents.

⁵Article 3 of the Lawyers Law, supra note 6, declares that lawful legal practice shall be protected by the law. Article 32 provides that the personal rights of a lawyer will be inviolable in the course of his or her legal practice. The Basic Principles, supra note 7, are more detailed, yet provide essentially similar protection in art. 16–22.

ZHOU LITAI

Since 1996, Zhou Litai has helped workers in the Shenzhen area to obtain their rights in legal battles against local government authorities, foreign investors and company owners in a series of cases that have drawn public attention. Over the years, he has represented more than 800 factory workers in labor disputes and struggles for compensation for grave work injuries. Many of his cases involved legal action against the Labor Bureau or the social security department. In August last year, he represented 56 women workers in a South Korean-owned wig factory in Shenzhen, who had been the victim of illegal body searches. The company chose to settle the case out-of-court.

On December 19, 2001 the Longgang District Bureau of Justice in Shenzhen ordered Mr. Zhou to close his legal practice.⁶ The order, which apparently contravenes both international law and domestic regulations, seems to be an illegitimate retaliation for the negative attention that Mr. Zhou's successful litigation practice has drawn to the Shenzhen region.

As noted above, the Chinese Lawyers Law expressly protects lawyers from such ungrounded interference and intimidation.⁷ Such interference is also outlawed in international human rights standards.

Specifically, the Lawyers Law states in its Article 12 that "legal practice shall not be subject to geographical limitation." This means that a lawyer licensed in one region of China may practice in another without obstruction from the local authorities. Mr. Zhou, who is in the possession of a Chongqing license, is entitled to practice anywhere in China. The District Bureau has no power under the law to obstruct Mr. Zhou's practice of law.

Mr. Zhou Litai has filed suit against the District Bureau of Justice with the Longgang District People's Court, to contest the legitimacy of the order.⁸ In this respect it should be noted that the Shenzhen local bureau of justice has previously attempted to confiscate Mr. Zhou's license, shortly after he started his practice in 1997. At that time, the bureau returned the license to Mr. Zhou after he initiated legal proceedings.

The Lawyers Committee believes that the case of Mr. Zhou deserves particular consideration in the light of China's recent accession to the WTO, and the obligations that membership of this organization entails with respect to the elimination of barriers to trade. It should be considered that the continuing threats and harassment directed against Mr. Zhou, and in particular the possible withdrawal of his license to practice, are wholly inconsistent with China's obligations under the WTO, and set a most disturbing precedent.

Mr. Zhou's activities show that the Chinese people increasingly turn to the legal system for protection. This commendable development needs to be protected and stimulated. Working toward the development of the rule of law, it is of key importance that China continues to build and enforce its legal system, to guarantee a sustainable protection of basic human rights, as well as the interests of foreign investors.

The legal system will only be as strong as the professionals who work within it.

China should adhere to its own laws, and to international standards, upholding the independence of lawyers, and their protection from persecution.

RECOMMENDATIONS

1. The Lawyers Committee believes that it is important to recognize the educative, guiding role that can be played by foreign governments, human rights groups, law schools, bar associations and other international actors in the development of law in China. Underlining the position of China as a prominent member of the international community, efforts should be made to ensure the continued involvement of these foreign actors.

2. The Chinese government should fully comply with the provisions of the U.N. Basic Principles on the Role of Lawyers, and to revise those aspects of Chinese law that restrict the ability of lawyers to freely represent their clients and to organize independent bar associations.

3. Lawyers should be free to carry out their professional duties without official interference, restrictions, threats or intimidation.

⁶This matter was also covered in a New York Times article on January 3, 2002, which can be found online at <http://college4.nytimes.com/guests/articles/2002/01/03/894481.xml>.

⁷See supra note 3.

⁸Report posted by the China Information Center on January 16, 2002:<http://www.china.org.cn/english/2002/Jan/25353.htm>.

4. Particular assistance should be provided to the training of lawyers, both in China and abroad. Training programs should be designed to fit with China's particular conditions and needs. The exchange and sharing of relevant information should be stimulated. Assistance should also be provided to China's law schools for the design of courses and teaching methods.

5. Bar associations and the Chinese Ministry of Justice should be engaged to create mechanisms that ensure the adequate protection of legal practitioners.

6. At the same time, to promote high professional standards, these institutions should be encouraged to publicize and facilitate the rights of clients to bring malpractice suits, in the belief that this will encourage lawyers to seriously consider their professional responsibilities.

7. Assistance should be provided in the creation of a legal aid system, by providing know-how and financial support where appropriate.

8. Assistance should be provided to train and sensitize the relevant branches of government to the importance of the independent role of the lawyer within the legal system.

PREPARED STATEMENT OF WENZHUO HOU

MARCH 4, 2002

Ladies and Gentlemen:

I am going to talk here today about a kind of human rights violation which affects the largest number of Chinese people, and yet has hardly gained much attention from either the international community or Chinese policymakers—that is the human rights violation against peasants and rural migrant workers, who number over 1 billion people and make up more than 70 percent of China's population.

When we talk about human rights, we often talk about the rights of democracy activists, the rights to free speech, free association, sometimes about the rights of workers and workers union. We hardly ever hear about anything like the "human rights of peasants". The peasant problem is widely understood as the fundamental political problem in China. But, few think that they are suffering from the most severe and systematic human rights violation, and deprivation of equal citizenship.

The Chinese Household Registration System (ie. Hukou), created in late 1950's, established a rural-urban dichotomy system. The Chinese citizens are classified into two categories—"urban Hukou" vs. "rural Hukou". These two kinds of Hukous have divided Chinese citizens into two worlds: the urban first world and the rural Third World.

I have recently been undertaking research making a comparison between the discrimination experienced by the Chinese peasants and rural migrants versus those experienced by black Bantu people under the Apartheid regime of South Africa. Despite the huge political, legal and cultural differences, there are astonishing similarities found. Population registration laws, "Population Registration Act" in South African, like the "Household Registration Regulation" in China, established the cornerstone for a discriminatory and unjust system where one higher categorized group dominated the rest. In South Africa, black and colored people were deprived of or restricted in their voting rights. In China, according to the Election Law, the peasants only have one fourth or one eighth of the representative rights that urban citizens have. The largest social group in China, the peasants have no national or regional representative associations (while we do have all kinds of union for various social classes/groups), which directly contributed to their neglected/ marginalized political situation. The peasants are also deprived of equal opportunity in access to housing, primary education, higher education, employment, medical care, social security and so on. Black people are regularly checked for their passes in South Africa, while in China, rural migrants are checked for their "temporary residential card", "work permit", etc., and often are arbitrarily sent to Custody and Repatriation centers. Even worse than what is experienced by black people, for the Chinese peasants, their minimal rights to land, rights of property and products are often treaded upon. They not only have to pay a disproportionately heavy tax to the State and collective, but also are subjected to numerous arbitrary fines and fees. According to a book recently published by Li Changping, an former county leader, the rural government authorities have evolved into a group who live on their high interest loans to peasants. This means, the corruption of rural government has transformed the rural leaders into a group of landlord exploiting peasants but in the name of the State, the central government.

We have known that rural women in China have the highest suicidal rate in the world. We have seen lots of reports about children from rural families who were not

able to go to school, and sometimes had to do dirty, unhealthy and even dangerous jobs. As we know, school children in Jiangxi were killed while being forced to produce fireworks for a living. In Qinghai province, teenager boys were tricked to work in gold mines where they were treated as slaves, and even worse than that. Such horrific stories happen all over China and very often. In a broader sense, the whole Chinese peasants and rural migrants are all virtual slaves of the state. Their rights and properties are often abused by various governments at will, and their liberties are often deprived arbitrarily. In the case of industrial or traffic deaths, the monetary compensation they get is even less than half of an urban-Hukou person's, if they get anything at all. Yet, there are always policymakers justifying their policies, saying that peasants are inferior, uneducated and therefore have to make sacrifices to the country, and deserve how they are treated!

We should realize that the discrimination and exploitation of peasants and migrants are in essence enforced through government policies. The Hukou system and its connected policies are at its core. But, these policies have been well incorporated into all kinds of policies affecting normal citizens life, and have evolved into an ideology justifying the mistreatment of peasants, and it has already had the effect of fostering a widespread discriminatory attitude toward peasants in the whole society.

If we truly mean to talk about human rights today, the human rights of peasants and migrants are too huge to ignore. If we do not want to see impoverished and desperate peasants start another violent peasant revolution as happened so many times in Chinese history, we must address the issues of human rights and social justice for peasants now. If we acknowledge this discrimination against peasants is comprehensive, multi-faceted and institutionalized, we should realize that it is not enough to address the problem in the classical human rights approach. It calls for a more systematic approach. Therefore, I advocate the "right of peasants and rural migrants" to be singled out as a major category of human rights and seriously studied as we do to woman's rights, children's rights, labor rights and so on.

Therefore, I call upon the international community to examine and monitor the human rights of peasants and migrant workers in China. I recommend the following action be taken:

1. To adopt a "categorical/identity discrimination" approach in monitoring the human rights situations of peasants/migrants, that is: a discrimination based on their immutable characteristics (descent)—the Hukou which is imposed on them by the state; by such an approach, we can address the problem in a comprehensive way.
2. To facilitate political and legal institutional reform based on Hukou; to investigate the whole implication of Hukou in Chinese citizen's rights and equality; to support the on-going reform of Hukou, provided that this regime is not replaced by another kind of repressive and discriminating registration system.
3. To single out discrimination and human rights violations against peasants/ migrants when documenting human rights in China, such as in the US State Department Report.
4. To investigate the conflict between peasants and the governments in the vast countryside of China; to study the growing discontent of peasants from a human rights perspectives; to raise awareness among peasants about their human rights; to support local community democracy and self-governing initiatives, particularly in rural areas and urban migrants neighborhood.
5. To address the agricultural problem in China, to investigate the Chinese rural taxation and debts problem, to facilitate the reform of rural government, which has become increasingly rent seeking and exploitative in nature.
6. To facilitate capacity-building in rural China, to support further training of grassroots social activists particularly those representing rural peasants and migrant workers; activists working at that level have the least chance of getting any training, or chance to speak, yet, they can be greatly empowered if given such opportunities.
7. To review the impact of WTO on Chinese peasants; noting the WTO's potential devastating effect on peasant's livelihood, which may unleash social unrest from rural China to the rest, it is of particular immediacy and importance to address the human rights concerns of peasants.
8. To support academic research and study on the peasants and migrants human rights.

When the exploitation of peasants and the corruption of rural governments in China become international human rights concern, we can have some hope that the misery of Chinese peasants can be ameliorated, and their equal rights as citizens can be protected.

To bring the human rights of peasants into the forefront of human rights discussion would greatly empower the peasant/migrants, and enable them to have access to legal protection and encourage the international community to voice out their concerns. It will make all these human rights arguments more relevant to the most powerless people in China, who are otherwise totally reliant upon the mercy of authorities, and who would otherwise view “human rights” talk as totally irrelevant to their life, and be unwilling to participate. I believe introducing the issue of human rights for peasants/migrants would broaden the dimension of human rights dialog, bringing new force, gaining more public support, and therefore would give tremendous support to the democracy movement in China.

SUBMISSION FOR THE RECORD

PREPARED STATEMENT OF WENHE LU & CIPING HUANG, BOARD MEMBERS OF THE
INDEPENDENT FEDERATION OF CHINESE STUDENTS AND SCHOLARS IN THE UNITED
STATES

MARCH 4, 2002

CHINA'S PROBLEM: A LACK OF RESPECT FOR LAW

Dear members and staff of the Congressional-Executive Commission on China,

My name is Wen-he Lu. I am a board member of the Independent Federation of Chinese Students and Scholars in the United States. IFCSS is a non-profit organization with members all over the United States. From the inception of IFCSS, we have been promoting human rights and democracy in China, and the interests of Chinese students and scholars in the US. I am here to speak for Ms. Huang Ci-ping, who could not come to Washington DC today.

After the US gave China PNTR and China joined the WTO, direct contact between citizens in the United States and China has been increasing. All Americans who are involved with China should be made aware that China's general problem now is a lack of respect for law. In China, there are many laws on paper but not in practice. China signed the United Nations' International Covenants to respect its citizens' human rights, but the Chinese government is in violation of that many times over. There are numerous reports about human rights violations in China, especially that of religious persecution, particularly toward FaLunGong and underground Christian church members.

For example, the families of victims from the Tiananmen Massacre on June 4, 1989 are still watched today, and as recently as March 2, their telephones were cut at the will of the government. Their mail is searched so that any charitable donations from abroad are forced to take a secret way to get into their hands. We want the Congressional Executive Commission on China to urge China to respect the law of mail correspondence and to let donations go through to the victims' families of the June 4 massacre. Donations to June 4 victim families were also intercepted in the name of China's national security in 1998, and funds from Germany are still frozen in the bank by the China National Security Bureau. We urge the Congressional Executive Commission on China to put pressure on China to let the victim families of the June 4th Massacre receive the humanitarian donations from abroad, which were donated in good faith by ordinary people in the United States and other countries.

During the PNTR debate in the year 2000, many argued that China's human rights situation would be improved by the granting of PNTR. Contrary to this argument, PNTR has allowed the Chinese government to feel free from international pressure, especially from economic sanctions. The human rights situation has worsened considerably after China got PNTR and WTO. Recent arrests of FaLunGong followers in Tiananmen Square are examples.

China now has joined the WTO. We all know that this will impose international standards on the daily business practice in China. We want to remind the Congressional Executive Commission on China that although the current court system is trying to accommodate this reality, there is still a long way to go before China's current legal system is in full accordance with international standards. There are numerous reported and anecdotal pieces of evidence that corruption is widespread inside China's court system. Judges and court personnel need to be bribed even to move cases forward.

There are laws in China against child labor; however, many workers in Guangdong and Guangxi provinces are under age. In reality, the Chinese workers have no rights to organize their own workers' unions or to join in labor movements.

We hope the Commission will be helpful to force the respect of labor laws in China. Although cheap labor has been one of the big lures for the multi-national companies that promoted and lobbied for PNTR, we want to remind the Commission that not only have illegal labor practices in China taken away Chinese workers' rights, but they have also caused unfair competition for American workers. Because the USA has not yet climbed out of the recent recession, it is now more important than ever to protect the rights of the American workers. We want to say that taking advantage of the Chinese workers' rights is ultimately hurting the American workers as well. Furthermore, the abuse of human rights in China infects the rights of all the citizens in the world.

China has laws on accounting practices. But what ENRON did is merely a daily practice in China. Recently, the Minshen Bank, the only huge private bank in China, is reported to have a huge corruption case. Similar cases break out every day in China in the financial sector. The financial reports of some stock companies in the Shanghai Exchange have been found to be fraudulent. The financial reporting is so unreliable that Primer Zhu Rongji recently felt compelled to emphasize that people in the accounting profession must not book false numbers.

There are Environmental laws in China too. However, short-term business interests usually prevail over the environmental consideration and laws. There are lawsuits in Henan and Anhui provinces where whole villages are suing companies close by for causing health damage by neglecting the water pollution.

In conclusion, the Chinese government has not enough respect for the law in human rights, for preserving confidentiality in mail correspondence, for environmental protection, for the court system and for business practices. It is our hope that this committee will be able to learn the reality in China and play a vital function to monitor the human rights condition in China and to play a vital role in putting pressure on the Chinese government to respect the law. If that could be done, then we will not have to regret that the economic interests of the United States have overcome the essential human values that we all cherish.

