

105TH CONGRESS
1ST SESSION

H. RES. 76

Expressing the sense of the House of Representatives concerning the human rights situation in the People's Republic of China as it relates to China's position in the international community and encouraging the United States, in conjunction with other members of the United Nations Commission on Human Rights, to work with China to promote the improvement of human rights.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 1997

Mr. PORTER submitted the following resolution; which was referred to the Committee on International Relations

RESOLUTION

Expressing the sense of the House of Representatives concerning the human rights situation in the People's Republic of China as it relates to China's position in the international community and encouraging the United States, in conjunction with other members of the United Nations Commission on Human Rights, to work with China to promote the improvement of human rights.

Whereas the United States Department of State's 1996 Country Reports on Human Rights Practices (hereinafter referred to as "the report") found that the Government of the People's Republic of China continues to commit widespread and well documented human rights abuses, in violation of international law, and this policy of systemic

repression arises from Chinese authorities' intolerance of dissent, fear of unrest, and the absence of adequate laws protecting personal and political freedom;

Whereas the report notes that Chinese authorities escalated overall efforts to extinguish expressions of protest or criticism, effectively silencing all public dissent against the party and government;

Whereas the report further notes that there was intensified repression of nonapproved religious groups, including Protestant and Catholic groups, but the number of religious adherents continues to grow in spite of this repression;

Whereas the report cites serious human rights abuses committed against persons in state custody, such as torture and mistreatment of prisoners, forced confessions, and arbitrary and lengthy incommunicado detention, as well as generally harsh prison conditions and intentional denial of medical care to seriously ill prisoners, yet Chinese authorities' claims of improvements in these areas are impossible to verify due to the lack of independent monitoring of conditions in Chinese prisons and reeducation-through-labor camps;

Whereas the report also documents widespread human rights abuses in Tibet, including death in detention, torture, arbitrary arrest, detention without public trial, lengthy detention of Tibetan nationalists for peaceful expression of religious and political views, and intensified controls on religion, freedom of speech, and freedom of the press, particularly for ethnic Tibetans;

Whereas the Government of the People's Republic of China has made certain agreements and guarantees regarding

preservation of a high degree of autonomy and basic rights and freedoms in Hong Kong following its reversion to Chinese sovereignty on July 1, 1997, including the commitments contained in the 1984 Sino-British Joint Declaration on the Question of Hong Kong (the Joint Declaration) and the Basic Law enacted by the National People's Congress of the People's Republic of China on April 4, 1990 (the Basic Law);

Whereas the National People's Congress, at its March 1997 session, will consider proposals to repeal key provisions of the Hong Kong Bill of Rights Ordinance and proposals to reinstate laws such as the Societies Ordinance and the Public Order Ordinance that seriously restrict and limit civil liberties, passage of which would be in contravention of the International Covenant on Civil and Political Rights which was extended to cover Hong Kong in 1976;

Whereas China, through its hand-picked selection committee, on December 21, 1996, appointed a provisional legislature for Hong Kong though such a body is not mentioned in either the Joint Declaration or the Basic Law, and this provisional legislature has begun preparing legislation prior to Hong Kong's reversion to Chinese sovereignty, while the legitimately elected legislative council of Hong Kong continues to function, thereby creating the possibility of legal conflict and uncertainty;

Whereas China is bound by the Universal Declaration of Human Rights and is a party to the Convention on the Elimination of All Forms of Racial Discrimination and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

Whereas officials of the Chinese Government have recently made statements affirming the universality of human

rights, as well as statements indicating a willingness to sign and ratify key international human rights covenants;

Whereas the United States has realized progress in other areas of the United States-China bilateral relationship, such as trade, regional security, and nuclear nonproliferation;

Whereas, since the presidential statement of May 26, 1994, which officially delinked renewal of most favored nation trade status from progress on human rights issues, there has not been substantial improvement in China's human rights practices and the effectiveness of the annual debate on renewal of most favored nation trade status, which has been an important forum for expressing concerns on these issues within the Congress, has been reduced by this policy;

Whereas, in the past, the United States has been a primary sponsor of a resolution criticizing human rights practices in China that has been annually submitted to the United Nations Commission on Human Rights; and

Whereas the United States Government and the American people desire improved relations with the Government and people of the People's Republic of China, but believe that improved relations must be based on respect for, and observance of, internationally recognized norms and standards of human rights: Now, therefore, be it

1 *Resolved*, That it is the sense of the House of Rep-
2 resentatives that—

3 (1) the Congress should—

4 (A) explore additional legislative vehicles
5 for explicitly expressing congressional concerns

1 about China's serious human rights situation;
2 and

3 (B) work with the President and Secretary
4 of State to explore areas of agreement and mu-
5 tual concern, whereby the actions of the Con-
6 gress can support their efforts to secure
7 progress on the matters set forth below; and

8 (2) the President and the Secretary of State
9 should—

10 (A) call on the Government of the People's
11 Republic of China to take concrete steps to im-
12 prove human rights, including—

13 (i) agreeing to a memorandum of un-
14 derstanding to grant international humani-
15 tarian organizations regular, confidential
16 access to Chinese prisons and detention
17 centers;

18 (ii) releasing political, religious, and
19 labor activists and Tibetan prisoners, par-
20 ticularly those who suffer from serious
21 medical conditions;

22 (iii) allowing international human
23 rights organizations and journalists regu-
24 lar, unhindered access to Tibet;

1 (iv) signing and ratifying the Inter-
2 national Covenant on Civil and Political
3 Rights; and

4 (v) curbing religious persecution by
5 ending its practices of requiring all reli-
6 gious groups to register with the authori-
7 ties and harassing unapproved religious en-
8 tities;

9 (B) urge the Government of the People's
10 Republic of China to fully abide by its commit-
11 ments to maintain basic human rights and civil
12 rights, an independent judiciary and an elected
13 legislature in Hong Kong after July 1, 1997,
14 and to immediately cease all efforts to repeal
15 provisions of the Bill of Rights Ordinance and
16 reinstate laws which are not in conformance
17 with the International Covenant on Civil and
18 Political Rights; and

19 (C) sponsor, and actively seek support
20 among other member governments for, a resolu-
21 tion critical of China's human rights practices
22 at the 53d session of the United Nations Com-
23 mission on Human Rights in Geneva, in the
24 event that it is unable to identify substantial

- 1 and quantifiable progress by the People's Re-
- 2 public of China on the matters set forth in
- 3 paragraphs (1) and (2).

