

“2008 OLYMPICS AND HUMAN RIGHTS IN CHINA”

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Summary

This paper starts with the examination of human rights undertakings given by the Chinese authorities to secure the 2008 Beijing Olympic Games and with the review of international human rights obligations entered by the PRC. Then the paper examines the current adherence to international human rights standards by Chinese authorities and concludes that since the Olympic were awarded to China there was no improvement in civil and political rights domestically. Further, the paper examines the current “people power” movement and suggests the ways how to advance the human rights of Chinese people. It puts forward to PRC authorities four key human rights demands to be met prior to the 2008 Olympics and proposes action to secure adoption of these demands.

1. Introduction

Welcome everyone. It is my pleasure to be associated with this important conference and thank you for your kind invitation to come and speak to you today. .

Allow me to offer my best congratulations to the Conference Convenor and conference organising committee.

I commend also your organisation's foresight and enterprise in being able to secure the participation of so many word class experts on human rights and, in particular human rights experts that can shed their knowledge on the present day situation in the People's Republic of China.(China thereafter). My congratulations also go to the conference secretariat for the faultless organisation of this conference and for the warm traditional Taiwanese hospitality in which we have been received.

In about six months time, China will be hosting the Beijing Olympics. Regretfully, the 2008 Olympics are not likely to be only about excellence in sportsmanship and the coming together of all nations in a spirit of good will.

It is a well known fact that the Chinese Communist authorities hope that the Olympics will showcase her economic achievements and consolidate China's status as a world super power.

Looking back, Nazi authorities held the same hopes for the 1936 Berlin Olympics which they saw as an occasion to showcase the so-called German economic miracle and to assert Germany's world power status. And let us not forget that in 1936 Nazi dictatorship was already well established, with political executions without trial, censorship of the media, abolition of the freedom of association and the racist Nurnberg Laws of September 1935 taking away all civil liberties from Jews. Despite this the Western democracies decided overlook these developments in the name of unity of Olympic spirit.

China, in lobbying the IOC to host the Olympic Games, had argued over the years that it had become modern global society and that the human rights situation of its citizens had markedly improvement.

The world was told "*trust us*" - the abuses of the Cultural Revolution and the Tiananmen Square massacre were a thing of the past -- to be banished to the annals of history.

We were told that the Constitution of the People's Republic of China included freedom of speech, freedom of the press, the right to a fair trial, freedom of religion, universal suffrage and property rights and that the authorities were doing everything in their power to implement these fundamental rights.

We were further told that the Chinese Communist Government would use the Beijing Olympics to advance the human rights of its people.

Then, when China was granted the right to host the Olympics, the government again reaffirmed its promise to live up to the Olympic spirit and uphold human rights. In fact, to Amnesty International and other watchdog groups a major complaint is that China

has failed to keep the promise they made in 2001 when Beijing was a finalist for the games regarding improving their human rights record

Since then however, China's record on human rights has continued to cloud its Olympic preparations. International human rights groups, celebrities and politicians question if any major improvements have in fact been made to Beijing's human rights record and some activist groups have even asked for countries to actively boycott the Games.

There are also those of us who believe -- or hope -- that such improvements, as promised to us, are still possible. According to *USA Today* of 9 February 2008 a US State Department spokesman, Mr Rob McInturff stated recently that "*Our current position is we don't support calls for an Olympic boycott. This is an opportunity for China to step up and show the world an open and tolerant face of China* ", acknowledging world concern about China's human rights record, but, at the same time challenging the government to step up to the plate and deliver on promises made.

This paper will examine briefly to what extent China is meeting its solemn assurances and promises to improve human rights. Will the 2008 Beijing Olympics adhere to Olympic spirit and advance human rights?

2. The Olympic spirit

For centuries the Olympic spirit has been linked to human rights, civility and peace.

In ancient Greece, a truce was announced before and during each Olympic festival. During the truce, wars were suspended, the carrying out of death penalties was forbidden and safety of visitors travel guaranteed.

Will China honour that ancient tradition of declaring and enforcing the truce in the Olympic year 2008?

3. Obligations under the International Human Rights Law

Since the early 80's China has actively sought to increase its participation in multilateral affairs.

In fact, contemporary China had become party to a range of over 273 international treaties, of which 239 had become applicable to China only after 1979. These watershed decisions decisively showed China's acknowledgment the universal applicability of international law. Since then, international law has even been used by Chinese authorities to modify some of its domestic standards -- in particular in economic governance through accepting membership and the rules of, for example, the International Monetary Fund or the World Trade Organisation.

Although in the Chinese record of participation in international human rights regime has been largely negative, China has managed to enter a range of human rights obligations in international law.

As early as 1947 China was a member of a Drafting Committee of UN Commission on Human Rights developing the *Universal Declaration of Human Rights* (UDHR).

This declaration adopted by the UN General Assembly on 10 December 1948 has established a list of “*common standard of achievement for all peoples and all nations*” which, until today, constitutes the listing of most basic human rights standards for all.

In fact, according to Eide and Alfredsson (The Universal Declaration of Human Rights. A Common Standard of Achievement, Martinus Nijhoff Publishers, 1999): *The performance of governments, and even their legitimacy, is being measured against the standards of the UDHR. No government can afford to ignore these standards, and all governments are bound to feel their impact at home and in external relations.*

Allow me now to quote here few principles from this Declaration:

- Article 2. *Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political opinion, national or social origin, property, birth or other status.*
- Article 3. *Everyone has the right to life, liberty and the security of person.*
- Article 5. *No one shall be subjected to torture or cruel, inhumane or degrading treatment or punishment.*
- Article 9. *No one shall be subjected to arbitrary arrest, detention or exile.*
- Article 11. *Everyone charged with a penal offence has a right to be presumed innocent until proven guilty according to law in a public trial...*
- Article 18. *Everyone has the right to freedom of thought, conscience and religion.... this includes freedom to manifest religion or belief in teaching, practice, worship and observance.*
- Article 20. *Everyone has a right to freedom of peaceful assembly and association.*

Although, following the adoption of the UN resolution 2758 (XXVI) of 25 October 1971 that admitted the People's Republic of China to the United Nations, China stated that “*with regard to the multilateral treaties signed, ratified or acceded to by the defunct Chinese government before the establishment of the Government of the People's Republic of China, (the PRC) Government will examine their contents before making a decision in the light of the circumstances as to whether or not they should be recognised.*”, it needs to be noted that this qualification did of course not apply to the Universal Declaration, because it was adopted prior to of the PR of China on 1 October 1949.

However, subsequent to this note China has signed and ratified most of the principal international human rights treaties including:

- *International Covenant on Economic, Social and Cultural Rights* adopted by UN December 1966 and ratified on 27 June 2001

- *Convention on the Prevention and Punishment of the Crime of Genocide* approved by UN General Assembly on 9 December 1948 and ratified on 18 April 1983
- *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment* of 1984.; ratified on 3 November 1988; although it sought to block any strengthening of the UN Committee Against Torture powers and voted against its Optional Protocol.

Regarding *the International Covenant on Civil and Political Rights* adopted by the UN General Assembly on 16 December 1966 and China had signed in 1998 but it is yet to ratify it.

In addition, China plays an important and active role in the UN human rights structures and, for example, continues to serve on the UN Commission on Human Rights as well as currently playing a very active role in the development of the Disability Convention.

Finally, China participates in a range of bilateral human rights arrangements such as the human rights dialogue with the European Union established in 1997 or with Australia, Canada and some other countries.

The People's Republic entered these human rights international law obligations voluntarily and, as a result, is now subject to international accountability as to its human rights performance. Further, by ratifying these conventions it has ceded part of its sovereignty and its human rights performance has become a legitimate subject of international scrutiny.

This gives us the right to ask the Chinese authorities about how these international human rights standards are implemented by the government and certainly does not constitute "interference into Chinese domestic affairs".

4. The current Human Rights Situation in China

When assessing the current human rights situation in China, I have examined a range of documents by the Chinese and other governments (such as the recent *US Department of State Country Report on Human Rights Practices in China*), information generated by UN (for example, the 2006 report by the UN Special Rapporteur on Torture, Manfred Nowak) and by a range of international human rights NGO's (for example, by Amnesty International and Human Rights Watch) and by individual experts.

I regret to conclude that since China was granted the right to host Olympics, China's civil and political rights record has not improved and has instead grown progressively worse. Let me list the greatest violations that are still in existence:

The on-going brutal occupation and colonisation of Tibet, that started 60 years ago and which continues to this day.

The denial of Chinese citizens of their basic civil and political liberties. For example:

- Chinese citizens cannot elect their own government.

- There is no freedom of speech; and censorship dominates every aspect of life. Censorship of political speech and information is openly and routinely used to protect what the government considers national security interests. In particular, press control is notoriously tight. In the *Reporters Without Borders'* Annual World Press Freedom Index of 2005, the PRC ranked 159 out of 167 places. PRC journalist He Qinglian in her 2004 book *Media Control in China* documents government controls on the Internet and other media in China.
- Citizens are arrested and sent to jail simply because of the content of their private e-mails, sometimes courtesy of yahoo dobs. According to Amnesty, today, there are over 80 cyber-dissidents and journalists behind bars in China, hundreds international Web sites blocked from being accessed by citizens and sophisticated systems of filtering and monitoring political information. The situation was much better in 2001 when the games were awarded to Beijing.
- *Amnesty International* recently reported a crackdown on journalists and human rights activists. For example, at the end of January civil rights defender and campaigner for rights of AIDS patients Hu Jia, 34, was charged with "inciting subversion of state power" – a catch-all charge frequently used against dissidents. On the same charge, Lu Gengsong, an online dissident in Zhejiang province, was sentenced to four years in prison. Other names include Liu Jie, a long-time protester of land issues in Beijing and Gao Zhisheng, an outspoken lawyer and Yang Chunlin, a factory worker arrested last July after circulating an online petition calling for "human rights not the Olympics". And these are just a few names on a long list.
- There were many reports of forced evictions in Beijing and elsewhere.
 - In fact, Chinese law allows for the detention for up to four years without trial for any person living - without authorisation - within the Beijing city limits
- Recently the *UN High Commissioner for Human Rights* expressed concern at the extensive use of the death penalty, including for offences that do not meet the international standard of "most serious crimes". In fact, China leads the world in capital punishment, accounting for roughly 90% of total executions in 2004.
- According to the 2006 report by UN special reporter, torture is regularly used in Chinese prisons. Manfred Novak further concluded that two third of those being tortured in Chinese prisons were Falun Gong practitioners.
- There exist a policy of forced abortions for people who break China's rigid one-child policy. Chen Guangcheng, a blind civil rights activist who exposed this policy has been under house arrest in Shandong Province for the past four months.
- There is significant evidence pointing to continuance of religious prosecution of Christians, Tibetan Buddhists, and others.

In particular the oppression of Falun Gong practitioners which started in 1999 has all the hallmarks of genocide.

- As it was well documented in a report by David Kilgour, former Canadian MP and Secretary of State for Asia-Pacific and human law lawyer David Matas, Falun Gong practitioners are murdered so their corneas, hart and lungs, livers, kidneys could be harvested for sale to commercial customers.
- Falun Gong practitioners are denied their basic civil rights - they are arrested, tortured and send to prisons bypassing any court proceedings.
- Others are used as slave labour to produce cheap goods for export.

Furthermore, the Chinese government exports its human rights abuses to other countries such as:

- Zimbabwe - where China remains the chief political and financial backer of the Mugabe regime
- Burma - where China sells arms and politically protects the military junta
- Darfur - where China supports a genocidal regime in Sudan and blocks the UN Security Council resolutions aiming at peace. Furthermore, it provides effective financial and diplomatic protection of the first genocide of 21 century in exchange for access to Sudanese oil. In fact, China continues to be a key arms supplier to Sudan. According to Amnesty International, in 2005, China sold \$83 million worth in weapons to Sudan providing it with bomber aircrafts, helicopter gunships and other weapons used in the recent proxy invasion of Chad.

To sum up, Chinese authorities are at present perpetuating double genocide – one domestically against its own Falun Gong practitioners and the other in Darfur. This is happening in addition to an on-going and systemic abuse of civil and political liberties of Chinese people.

The PRC government usually responds to international criticisms of its human rights policies by arguing that the notion of human rights should factor in standards of living; rise in the standard of living for some Chinese is seen as an indicator of improvement in human rights. I agree with the Chinese authorities' statement that progress has been made in securing economic rights of the Chinese. I am however of the view, that we cannot overlook the Chinese officials blatant disregard of basic political and civil rights.

It is the same PRC government officials who are responsible for both the deaths of their own citizens and in Darfur and for the organisation of the Olympic Games in Beijing.

5. Public Concern about China's Human Rights Abuses

This conference is an expression of growing world-wide concern about continuing human rights abuse in China.

This concern, however, is not always reflected by our democratically elected governments. It is because free world governments tend to give higher priority to pragmatic economic objectives and because there is a fear of retaliation. In fact, in many countries it is politically correct to discuss political independence of Kosovo, but not that of Taiwan. To put it simply, this is best explained by a massive difference in power between Serbia and the People's Republic of China.

There is, however, growing people's movement focussing on the human rights in China. China is no longer regarded by some as a dream state of social justice, equality and people's power. Today's China is rather seen as a major world economy run by an autocratic government and many regard the human rights situation in China as a legitimate subject of conversation.

And this public awareness has helped us to build coalitions of people of good will with similar interests who are not afraid of intimidation by Chinese authorities. And here I am talking of emerging world people's power movement that is able to articulate its demands for improvement and starts to impact on public opinion around the world and on China itself.

As you know, I am President of the Australian Chapter of the World Organisation to Investigate the Persecution of Falun Gong Practitioners. This is a grass root movement aiming to stop a campaign of abuse and murder inflicted on Falun Gong practitioners by Chinese authorities.

This organisation relies on people power and has undertaken many pioneering initiatives. It has organised the first ever Olympic Human Rights Torch Relay. This has created new tradition and informed the public about the fate of Falun Gong practitioners in China around the world. The Torch activities were widely supported in Australia as well as in many other countries. Recently when I visited India I was privileged to observe Torch Relay ceremony in Mumbai.

There are also many other non-government organisations which take direct action in many countries around the world.

For example, The New York-based campaign Olympic Dream for Darfur has staged Olympic-style torch relays to bring attention to China's role in Darfur. Campaign director Jill Savitt says the relays have gone through countries affected by genocide: the Chad-Darfur region, Rwanda, Armenia, Germany and Cambodia. She says there are plans for protests in other cities, including San Francisco, as the Olympic torch travels from Athens to Beijing in March.

A few days ago Stephen Spielberg withdrew as artistic adviser to the 2008 Olympic Games because of China doing nothing to end Sudan's attacks in the Darfur region.

On 11 February 2008 a London paper *The Evening Standard* reported that after "a storm of protest" the British Olympic Association agreed to look again at the wording of the contract handed out to all prospective competitors. The contracts banned the

UK competitors at Beijing Olympics from commenting on "politically sensitive issues", that is China's human rights record. The move also conjured up the spectre of 1938, when the England football team was told to make Nazi salutes in the Berlin Olympic stadium before playing Germany. May I add here, for the record, that America, Canada and Australia are explicitly saying that their athletes can say what they want when they go to Beijing

Last but not least, the people's power is starting also to develop in China. Recently, for example, despite enormous personal risk some 60 intellectuals have signed a public petition calling for immediate release of human rights advocate Hu Juanita was also reported that a large number of Chinese bloggers have taken Mr Hu's cause demanding his immediate release.

6. The Way Forward

The 2008 Beijing Olympics provide a historic occasion to positively impact on human rights situation in China. In fact, we have a unique window of opportunity until the Olympics to improve the human rights for one third of the world's population.

As Edmond Burke, an English philosopher once said "*the only thing necessary for the triumph of evil is for good men to do nothing.*"

And our action can achieve much.

And there are some signs that Chinese officials are starting to respond to political pressure. For example, as reported by David Kilgour, the Chinese Medical Association recently agreed that "organ tourists" will no longer be eligible to obtain transplants in China.

Weeks ago, China released two journalist prisoners, Yu Huafeng, a senior editor of the Southern Metropolis Daily and Ching Cheong, a Hong Kong reporter for the Straits Times of Singapore, after having served half of a five-year sentence.

Remember not that long ago people power:

- Crumbled the Berlin wall and brought an end to the Soviet empire
- Abolished apartheid in South Africa.

Looking further back it took Christians about 300 years to stop prosecution by the Roman Empire and declare it to be state official religion.

What are the minimum demands to be complied with by Chinese authorities prior to the 2008 Olympics?

In my view it is impossible to have the Chinese political system fully reformed to embrace democracy and to comply with international human rights within the next few months. But the following four demands are realistic and achievable because they only depend on executive decisions of Chinese officials, namely:

1. Stop prosecution of Falun Gong practitioners and release them from prisons.

2. Withdraw economic and political support for the Sudanese regime and cooperate with the UN to end Darfur genocide.
3. Give amnesty to all political prisoners and release them from prisons.

And last but not least:

4. Put a moratorium on the death penalty in 2008 to comply with the ancient Olympic tradition and international human rights standards.

And let's remember – this is doable. It requires only a simple administrative decision.

And let us not forget that the same authorities who are responsible for the current deterioration of human rights in China are also responsible for running of the 2008 Olympics.

So, what can we do? We need to:

1. Continue to call on the Chinese government to stop the repression of Falun Gong practitioners and - in particular - the killing of people to sell their organs.
 - To start with, the Chinese government could formally respond to the Matas/Kilgour report and open all detention centres to international inspections. This should be followed by an amnesty.
2. Demand from our politicians that they take human rights in China seriously and make appropriate representations.
3. Continue to inform all sportsman and tourists intending to visit China during the Olympics and our fellow citizens about the human rights situation in China.
 - To start with, the Kilgour/Matas report about organ harvesting should be accessible and read by any person intending to visit China
4. Continue to support calls for the boycott of Beijing Olympics unless the situation improves and our minimum four demands are met.
 - Let us remember that boycott of 1936 Berlin Olympics could have prevented WWII and holocaust.

Let us ensure that the Beijing Olympic slogan “*One world, one dream*” reads as Chinese dissidents suggested: “*One world, one dream -- same human rights*”.

Thank you.