

Olympics Update

Promises, Promises

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As host of the Olympic Games, China seeks to increase national economic and social development and “display to the world a new image of China,”¹ and presents the Games as an opportunity to foster democracy, improve human rights and integrate China with the rest of the world.² In its *Olympic Action Plan*³ promulgated in 2002, China outlined the phases of construction in the run up to the 2008 Games, and the standards to which it would hold itself in the governance and construction of venues, impact on Beijing’s environment, increasing social and economic development and providing China’s citizenry with greater access to information and technology. The goals and specific commitments that the government has adopted not only have implications for the smooth and successful operation of the Olympic Games, but also have the potential to impact on a number of China’s international obligations, including its human rights obligations.

Despite human rights-related commitments as diverse as transparency and accountability, access to information and freedom of the press, poverty alleviation, an improved standard of living for all people, and compensation for evictions and health issues, the record to date raises serious compliance issues. The projected \$37 billion in total costs⁴ and the desire of Chinese leaders themselves to maximize the use of those funds for both city and national development⁵ have created an important opportunity for the advancement of human rights concerns. At the same time, such an enormous expenditure of public resources requires transparency and accountability to combat corruption and waste.

While compliance with its Olympics commitments will not by itself solve the complex human rights challenges, failure to hold the Chinese government accountable for its commitments would undermine the legitimacy of the Olympics process and the Games themselves. In the next three years leading up to 2008, the preparatory process and the Games themselves must be monitored both for

compliance with these commitments and in relation to China’s other related international obligations, including those under the World Trade Organization (WTO), the International Covenant on Economic, Social and Cultural Rights (CESCR), the Convention on the Elimination of all forms of Racial Discrimination (CERD), and the Declaration of Principles and Plan of Action for the World Summit on the Information Society (WSIS).

The following table on pages 111–114 sets forth a preliminary assessment of the progress on key Olympics commitments that China has made, noting generally:

- China has committed to investing in the *information society*, and has begun to invest a great deal in building state-of-the-art facilities, but continues its crackdowns on freedom of expression;
- China has committed to using the Olympics to support *economic develop-*

ment in Beijing and nationally, but the gap between urban and rural development continues to grow;

- China has committed to a “Green Olympics,” yet concerns remain for already serious *environmental* problems;
- China has committed to investing in *social development*, but forced evictions related to venue construction and other issues have been reported; and
- China has committed to *transparent governance* throughout the Olympics process, but there has been no complete and open assessment to date.

In the lead up to 2008 there are a number of areas in which various actors can take responsibility for advancing human rights. We outline the following as illustrative challenges and opportunities that can provide a road map for each actor in relation to the issues above:



OC President Jacques Rogge during a visit to Beijing by IOC delegates in November to assess the progress of preparations for the 2008 Games. Photo: Reuters

1. CHINESE GOVERNMENT

- In the interest of transparency, make public the Beijing City Contract to facilitate third party assessments of compliance;
- Ensure that official policies and Olympics preparations do not violate other related international obligations:

Example: Olympics commitment to expanding health services in Beijing must be implemented in light of both:

- Commitments under the WTO to liberalize services;⁶
- Obligations under the ICESCR to ensure that the right to the enjoyment of the highest attainable standard of physical and mental health is applied to all without discrimination.⁷

Example: Olympics commitment to making information available to all must be implemented in light of both:

- Commitments as signatory to the ICCPR regarding rights to freedom of expression and information;⁸
- Commitments as a participant in the WSIS to make the information society people-centered, development-oriented and inclusive.⁹
- Monitor the work of the Beijing Organizing Committee for the Olympic Games (BOC)—request the preparation of a progress report that will be made publicly available;
- Ensure that law enforcement is trained in preparation for the Games to appropriately handle peaceful protests and other civil society activities;
- Use the economic opportunities presented by the Games to benefit the national economy, with a focus on disadvantaged groups;
- In carrying out the commitments China has made to market economy and economic development, policies should be informed by important emerging policy guidelines and trends that reference human rights obligations, for example those issued by the Office of the High Commissioner for Human Rights on trade, investment, IPR and human rights.¹⁰

2. OTHER GOVERNMENTS

- Monitor the work in Beijing of corporations based in their home countries to ensure compliance with all laws on corruption and other applicable cross-border laws;

- Ensure the continued implementation of a coherent international legal system by holding themselves and China to international human rights standards;
- Develop more coherent and effective policy interfaces between their multilateral and bilateral interventions and roles, including:
 - UN Commission on Human Rights;
 - trade missions and trade policy;
 - technical assistance programs;
 - human rights dialogues.
- Develop more coherent and effective policy interfaces between their trade and human rights agencies and offices.

3. THE BUSINESS COMMUNITY

- Conduct careful and transparent monitoring of Olympics-related business;
- Sectoral assessment of all involvement in the Olympics, including:
 - Contracting practices;
 - Advertising;
 - Construction of venues;
 - Creation of infrastructure;
 - Service provision.
- Link assessment to relevant international standards, including the UN Business Norms¹¹ recognizing that corporations also have a responsibility to promote and secure human rights;
- Develop “best practices” that target specific industries and integrate the international human rights framework into the conduct of business in China.¹²

4. NGOS/CIVIL SOCIETY

- Monitor and report on key areas of human rights concern, including:
 - Access by reporters and NGOs to all aspects of Olympics planning;
 - Incidents related to Olympics preparation that impact human rights, such as forced evictions or detention of peaceful protesters.
- Demand the release of journalists, lawyers, protesters and other human rights defenders imprisoned for violations of freedom of speech and peaceful exercise of the right to protest;
- Share information and collaborate.

5. INTERNATIONAL OLYMPICS COMMITTEE (IOC)

- Monitor the work and progress of the BOC;
- Direct the BOC, through the IOC Coordi-

- nation Commission, to prepare and publicly issue an annual comprehensive report of progress for the last three years in each of the areas of commitments made by the end of 2005;
- Circulate statement of progress within civil society and other concerned parties, requesting feedback and assessment;
- Facilitate the disclosure of the Beijing City Contract for third party assessments of compliance.

NOTES:

1. *Beijing Olympic Action Plan*, p. 4.
2. Chinese Olympic Committee, *Asian Economic News*, July 23, 2001; Liu Jingmin, a key Olympic official, *The Washington Post*, “China Using Rights Issue To Promote Olympic Bid; Potential Gains Cited As Inspectors Arrive,” February 21, 2001.
3. *Beijing Olympic Action Plan*, March 2002, available at <http://olympic.bjinvest.gov.cn/english/plan/index.jsp>.
4. Reuters, August 31, 2004.
5. Chinese Olympic Committee, *Review of Major News about Preparation for Beijing Olympics*, January 9, 2005, at <http://en.olympic.cn/08beijing/bocog/2005-01-10/453866.html>.
6. World Trade Organization, *Accession of the People's Republic of China*, Decision of November 10, 2001, WT/L/432, November 23, 2001.
7. CESCR article 12. China ratified the Covenant on March 27, 2001.
8. ICCPR articles 18 and 19. China signed the Covenant on October 5, 1998.
9. Statement by H.E. Mr. Wang Xudong, Minister of Information Industry, PRC, at the WSIS, December 10, 2003, available at <http://www.itu.int/wsis/geneva/coverage/statements/china/cn.pdf>.
10. See, e.g., E/CN.4/Sub.2/2003/9, July 2003, available at http://ap.ohchr.org/documents/dpage_e.aspx?s=115.
11. Business Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, Approved August 13, 2003, by UN Sub-Commission on the Promotion and Protection of Human Rights resolution 2003/16, UN Doc. E/CN.4/Sub.2/2003/L.11 at 52 (2003).
12. For an example completed for the information technology sector, see Sharon Hom and Amy Tai, Human Rights in China, “Human Rights and Spam: A China Case Study,” in *Spam 2005: Technology, Law and Policy*, Center for Democracy & Technology, Washington, D.C., February 2005, at www.cdt.org/speech/spam/spam2005/spam2005.pdf.

Monitoring China's Olympic Commitment

PRC COMMITMENT

IMPLEMENTATION CONCERNS

The Information Society

A "High Tech Olympics," bringing the advancements to the nation:

- Building a telecommunications infrastructure in Beijing, including digital network, distant audio-digital transmission and video technologies
- Providing cheap information services that are rich in content
- Available to all¹

Major investments in infrastructure and technological development

- \$24.2 billion on infrastructure²
- 449 Olympics Technology Projects³
 - \$157 million allocated from government funding
 - \$217 million from corporate contributions
- **Digital divide between urban and rural populations continues to expand; Access to critical information restricted**
 - *Unequal access to information communication technology (ICT)*
 - Only 36% of peasants have fixed phone lines, and dozens of inland provinces have no phone access⁴
 - 1,800 Cyber Cafés shut down in 2004, with a disproportionate impact on rural regions⁵
 - *Surveillance, Censorship and Control of information*⁶
 - Technical architecture employs firewalls, proxy servers, ISP filtration software, e-mail filtration and Web surveillance
 - 30,000+ state security employees conducting surveillance of Web sites
 - 60+ laws governing Internet activities, including self-censorship

Tight, but friendly and peaceful, security measures, including:

- Cracking down on various crimes and illegal activities
- Enhanced anti-terrorism capacity

Ongoing crackdown on journalists, lawyers and religious practitioners⁷

- 42–48 imprisoned journalists⁸
- 100 lawyers arrested as of 2003⁹
- More than 500 Falun Gong followers sentenced to up to 18 years in prison, and more than 100,000 followers sentenced to RTL¹⁰



Child views model of the main stadium for the 2008 Olympic Games. Photo: Reuters

PRC COMMITMENT

IMPLEMENTATION CONCERNS

The Information Society, cont.

Peaceful demonstration permitted¹²

Complete freedom of the press¹⁶

Economic Development

Using the Games to promote national economic development and increase peoples' standards of living in:

- Beijing
- Throughout China

Strong infrastructure for Beijing, including sound social order and improving medical facilities

Improvement of medical facilities and nationwide health

Increased commitment to market economy

- 150 Muslim Uighurs in Xinjiang arrested between mid-1999 and mid-2002 for terrorism/separatist offenses¹¹
- **Invoking security to restrict and control information**
 - Information is classified as state secrets on the basis of consequences, and can be classified retroactively
 - Over-broad interpretation of state secrets system applied to labor issues, land use, environment, family planning and health
- **Prohibited protests related to 2008 Olympics**
 - Activists arrested for applying to stage a 10,000 person protest against housing demolished for the Olympics¹³
- **Growing social unrest**
 - At least 3 million protesters in 2003¹⁴
 - 36,000 petitioners detained in Beijing in September 2004¹⁵.
 - Tens of thousands of farmers in Sichuan Province protesting relocation terms in November 2004
 - 3,000 petitioners protesting official corruption at CCTV's Beijing offices; more than 1,000 petitioners arrested
- **Ongoing crackdown on freedom of the press (various figures)**
 - 42 imprisoned journalists¹⁷
 - 25 imprisoned journalists and 62 cyber dissidents¹⁸
 - 48 journalists and cyber dissidents imprisoned¹⁹
 - Ranked 162nd out of 167 countries on RSF 2004 World-wide Press Index
- **Integrating poverty alleviation in Olympics development**
 - UNDP Human Development Index ranks China as 94th out of 177 countries²⁰
 - In 2004 China admitted its first rise in poverty since 1978; despite a 9% economic growth rate in 2003, the number of farmers living in poverty surged by 800,000²¹
 - State leaders asked organizers to cut costs and combine Olympic preparation work with urban development²²
- **Construction of East-West Pipeline complete²³**
 - Transports natural gas from Xinjiang to Shanghai and other Yangtze River Delta regions
 - Project intended to transport 12 billion cubic meters of gas per year
 - Fiber-optic cables installed with pipeline²⁴
- **Increasing gap between urban and rural regions**
 - 70% of China's population in rural areas²⁵
 - 100% of villages in eastern provinces have electricity, compared with 88.9% in western provinces²⁶
 - 76% in the east and 19.2% in the west have phones²⁷
 - 33.8% in the east and 9.1% in the west have running water²⁸
- **Healthcare Spending**
 - 5.4% of GDP spent on healthcare, which would equal \$72 per person if distributed equally among 1.3 billion people
 - 20% of public spending on health goes to rural residents²⁹
 - 700 million rural inhabitants pay out-of-pocket for virtually all health services³⁰
- **Areas beyond Beijing, particularly rural regions, continue to lack healthcare**
 - 70% of all HIV/AIDS cases are rural inhabitants, and 36% are ethnic minorities³¹
- **Trade Developments**
 - 2001 WTO Accession
 - Increased trade ties between China and numerous countries including the U.S., EU countries and others
 - Decentralization and increased privatization of services, including health³²
- **Limited access for poor and rural inhabitants to privatized services and better healthcare**
 - Price of medicine increased 10-fold from 1993 to 2003³³

PRC COMMITMENT

IMPLEMENTATION CONCERNS

Economic Development, cont.	Improving management of the floating population in Beijing, including provision of services	<ul style="list-style-type: none"> • Announced experimental reforms related to the hukou system create an opportunity to improve protection of migrants' rights, but must be monitored for abuses and problems • Continued systematic discrimination against migrants <ul style="list-style-type: none"> • Estimated 100–150 million migrants nationwide³⁴ • Beijing, Shanghai and Guangzhou have migrant populations estimated at over 3 million each, while Shenzhen's migrant population could be as high as 6 million³⁵ • <i>Hukou</i> system continues to discriminate against migrants for basic services including housing, education and healthcare
Environmental Protection	<p>A "Green Olympics," giving top priority to environmental protection, including:</p> <ul style="list-style-type: none"> • Preventing air pollution • Protecting drinking water sources 	<ul style="list-style-type: none"> • Resources directed towards environmental protection <ul style="list-style-type: none"> • \$7 billion spent on environmental clean-up for Olympics • Official commitment to replace coal with clean energies³⁶ • In light of the already serious environmental degradation, challenges remain to ensure a "Green Olympics" <ul style="list-style-type: none"> • China is the world's second biggest generator of carbon dioxide emissions³⁷ • Over half of the population faces serious problems of water shortages³⁸
Social Development	<p>A "People's Olympics," promoting:</p> <ul style="list-style-type: none"> • Chinese culture and heritage • Citizens' awareness of national solidarity • Protection of minority nationalities' rights 	<ul style="list-style-type: none"> • Nationwide solidarity concentrates on urban and Han culture <ul style="list-style-type: none"> • Tibetan curriculum lacks integration of Tibetan language and culture³⁹ • 1.8 million migrant children not receiving education
	<p>Construction of the venues and facilities will be:</p> <ul style="list-style-type: none"> • Safe • In compliance with international standards 	<ul style="list-style-type: none"> • Venue construction underway <ul style="list-style-type: none"> • By the end of 2004, a total of 7 state-of-the-art venues had begun construction for completion by the end of 2007⁴⁰ • Labor practices generally fall beneath domestic and international standards, raising concerns that the huge scope of Olympic venues construction will exacerbate these problems <ul style="list-style-type: none"> • 174,065 workplace and traffic accidents occurred in the first 2 months of 2003, killing more than 21,000 workers⁴¹ • Increasing worker protests for lack of compensation and poor working conditions⁴²
	<p>Compensation for those displaced from their homes⁴³</p>	<ul style="list-style-type: none"> • Increase in forced evictions in preparation for 2008 Olympics <ul style="list-style-type: none"> • Increasing demolitions for clearance of venue sites in Beijing has led to numerous forced evictions without compensation • 300,000 evictions for Olympics construction⁴⁴ • Activists and lawyers representing the evicted have been silenced and detained
Governance	<p>Improvement of the government's understanding and administration of law, including raising the quality of law enforcement</p>	<ul style="list-style-type: none"> • China has been pressured to publicly address human rights <ul style="list-style-type: none"> • Announced experimental reforms • Announced elimination of certain aspects of administrative detention, including custody and repatriation • Inclusion of human rights provisions in Constitution • Limited implementation of human rights <ul style="list-style-type: none"> • World Bank's Governance Matters III index puts China in the 51.1 percentile for Rule of Law • Abuse in detention centers and prisons routinely documented⁴⁵
	<p>Preparation and running of the Games will be open, fair, efficient and honest, with all information made public and all finances supervised</p>	<ul style="list-style-type: none"> • Lack of transparency and accountability <ul style="list-style-type: none"> • No disclosure of the Beijing City Contract with the International Olympic Committee • Transparency International's Corruption Perceptions Index ranks China as 71st out of 146 countries in 2004 • World Bank's Governance Matters III index ranks China in the 42.3 percentile for control of corruption • Athens Games were projected at \$8 billion, and \$10 billion was spent;⁴⁶ \$37 billion projected for Beijing,

Governance, cont.

and thus far no complete public accounting of Olympic expenses
 • Reported widespread embezzlement in Olympic spending, with \$170 million reported missing

1. Unless otherwise noted, all references to China's commitments are taken from the March 2002 Beijing Olympic Action Plan.
2. Reuters, Aug. 31, 2004.
3. *China Business Review*, Feb. 2005.
4. Asian Development Bank, 2002.
5. Reporters Without Borders.
6. "The Rise of the Internet and Advancing Human Rights." *China Rights Forum* 2004, No. 3, Sharon Hom, Amy Tai and Gabriel Nichols.
7. Numbers of journalists and others detained are various estimates only, because China considers those figures to be State Secrets.
8. Committee to Protect Journalists and International Chinese PEN Center, 2004.
9. All China Lawyers Association, 2003.
10. Falun Gong.
11. Amnesty International.
12. Wang Wei, Secretary-General of Beijing 2008, *Toronto Sun*, July 13, 2001, "Rule of Law Respected: Beijing Bid Defends Chinese Policies, Promises Freedom of Press."
13. "China jails Beijing protest organizer for four years," BBC, Dec. 18, 2004.
14. Chinese Police Data, 2004.
15. Human Rights in China, Sept. 8, 2004.
16. See Chinese Olympic Committee, *Asian Economic News*, July 23, 2001.
17. Committee to Protect Journalists, December 2004.
18. Reporters Without Borders, 2004.
19. International Chinese PEN Center, 2004.
20. Human Development Index 2003, United Nations Development Programme (UNDP).
21. "China admits first rise in poverty since 1978." *The Guardian*, Jonathan Watts, July 20, 2004.
22. Chinese Olympic Committee, *Review of Major News about Preparation for Beijing Olympics*, Jan. 9, 2005, at <http://en.olympic.cn/08beijing/bocog/2005-01-10/453866.html>.
23. Office of the Leading Group for Western Region Development of the State Council, <http://www.chinawest.gov.cn/english/asp/showinfo.asp?name=200408050002>.
24. Alberta Society of Engineering Technologists, <http://www.aset.ab.ca/pdf/files/article4-china.pdf>.
25. Asia Development Bank, 2002.
26. Asia Development Bank, 2002.
27. Asia Development Bank, 2002.
28. Asia Development Bank, 2002.
29. *Asia Times*, April 19, 2003.
30. *British Medical Journal*, "Health Care in China is Highly Inequitable," October 1997; available at <http://bmj.bmjournals.com>.
31. China AIDS Survey, 2003.
32. See Song Binwen, Xiong Yuhong, Zhang Qiang, "Analysis of Current Medical Protection for Peasants," *Dangdai Zhongguo Yanjiu*, Winter 2003; Liu, Yuanli, & Hsiao, William C., "China's poor and poor policies: the case of rural health insurance," presented at the Conference on Financial Sector Reform in China, September 11–13, 2001; Asian Development Bank, *People's Republic of China: Towards Establishing a Rural Health Protection System*, Sept. 2002.
33. Mingpao, Jan. 29, 2004.
34. Human Rights in China, *Shutting Out the Poorest*, May 2002.
35. Human Rights in China, *Institutionalized Exclusion*, Nov. 2002.
36. Senior officials from Shanghai state natural gas will replace coal in Shanghai by 2010, Official Statement, at <http://www.chinawest.gov.cn/english/asp/showinfo.asp?name=200408050002>.
37. BBC, Oct. 14, 2004.
38. BBC, Oct. 14, 2004.
39. Free Tibet Campaign—Education at <http://www.freetibet.org/info/facts/fact5.html>.
40. Chinese Olympic Committee, *Review of Major News about Preparation for Beijing Olympics*, Jan. 9, 2005, at <http://en.olympic.cn/08beijing/bocog/2005-01-10/453866.html>.
41. State Administration of Work Safety, *China Daily News*, April 8, 2003.
42. Human Rights in China (www.hrchina.org), and China Labour Bulletin (www.clb.org.hk).
43. Chinese Government, report on CTV Television, Inc. Canada AM.
44. Reuters; Feb. 18, 2005.
45. Human Rights in China (www.hrchina.org).
46. *China Business Weekly*, November 4, 2005, at http://www.chinadaily.com.cn/chinagate/doc/2004-11/04/content_388589.htm.
47. According to the report of China's auditor; see <http://news.bbc.co.uk/2/hi/business/3835019.stm>.