

Congressman Doug Bereuter Co-Chairman
Opening Statement
"Taming the Dragon: Can Legal Reform Foster
Respect for Human Rights in China?"
Hearing of the Congressional-Executive Commission on the People's Republic of
China
April 11, 2002

Thank you, Senator Baucus.

This second formal hearing continues the Commission's exploration of the relationship between the current Chinese legal system and China's evident difficulty in meeting internationally recognized human rights norms. One practical example of this relationship is the limited ability of Chinese individuals to have access to the judicial system to vindicate the basic rights granted to them by China's own constitution. The good news is that the Chinese legal regime has *some* legal mechanisms through which Chinese citizens can challenge and check the arbitrary exercise of power by government officials. The bad news is there aren't enough such mechanisms: for example, no practical recourse exists through the courts for a prisoner or his family to challenge a detention that exceeds existing time limits. Unfortunately, there are other examples as well.

I agree with the Senator that our starting premise should be that China must develop a modern legal system if it wishes to achieve its ambitions to become a developed country and to assume an equal place among nations in the international system. China's aspirations as a nation - to economic, social, and cultural development at home and to regional and international influence abroad- seem to me to be much more difficult to achieve without a legal system with modern characteristics. I think there is basic agreement about what such characteristics are: openness, transparency, notice and opportunity to be heard, choice of legal counsel, public proceedings, and an independent professional judiciary, to name a few.

Again, there is some reason for optimism: legal reform has been on the Chinese government's agenda for a number of years, and many of the new laws that have been enacted are improvements over those they replaced. But much remains to be done, and I believe it is because of that need that the United States can help make a difference as China modernizes its legal infrastructure.

Thus, we again explore the thematic subject matter of the first hearing, looking at human rights in the context of legal reform in China.

Our witnesses today bring strong personal and institutional backgrounds in human rights, political prisoners in China, and in rule of law programs in China. John Kamm's work on political prisoners reminds all of us that a person with energy, personal commitment, and knowledge about the language and culture of another country can truly make a difference. The Lawyers Committee for Human Rights and Amnesty International represent the type of nongovernmental organizations that have been at the forefront of human rights advocacy, while stressing the importance of the rule of law. And the China Law Center at Yale University represents the academic world, in which scholars and program directors at a number of U.S. universities and institutes have reached out since the late 1970s to build cooperative programs with Chinese counterparts. A significant portion of the legal reform we are seeing in China today can be traced to roots in these programs.

I look forward to hearing from these distinguished witnesses, and to a spirited and insightful question and answer session after their formal statements.