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**DEAN, NEW JERSEY DELEGATION**

*Rep. Chris Smith*

*Chairman, Congressional-Executive Commission on China*

*Excerpts of Statement to the Subcommittee on Immigration Enforcement*

*November 2, 2011*

In 2000, I wrote a law—the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act for fiscal years 2000 and 2001.

That bill, HR 3427, was signed into law on November 29<sup>th</sup>, 1999 in its entirety by reference—Division B of PL 106-113.

Section 801 of Title VIII of that Act requires the Secretary of State not to issue any visa to, and the Attorney General not to admit to the United States, any foreign national whom the Secretary finds, based on credible and specific information, to have been directly involved in the establishment or enforcement of forced abortion or forced sterilization.

To the best of my knowledge both under Presidents Bush and Obama, no one has been rendered inadmissible—owing to a glaring lack of implementation.

The China Democracy Promotion Act of 2011 doesn't replace—and with one line of change in the bill text substantially strengthens—US law in this regard. The bill seeks to deny entry to the United States senior government leadership, their immediate family members and anyone else who has committed human rights abuse in the PRC or anyone who has derived significant financial benefit from those policies or actions including participation in:

- China's cruel coercive birth limitation policy known as the One Child Per Couple Policy which relies on forced abortion and involuntary sterilization to achieve its ends;
- The violent repression or persecution of Tibetans, Uyghurs, Mongolians or other ethnic minorities;
- Trafficking of North Korean refugees or their forcible return to North Korea;

- Violent repression, imprisonment, torture or any other form of persecution of religious believers, democracy adherents, workers rights advocates, independent media, journalists and internet users

As the recently released annual human rights report for 2011 by the Congressional-Executive Commission on China notes, “China’s leaders have grown more assertive in their violation of rights, disregarding the very laws and international standards that they claim to uphold and tightening their grip on Chinese society.”

Liu Xiaobo, who was awarded the 2010 Nobel Peace Prize for his long and non-violent struggle for fundamental human rights in China, continues to remain incarcerated serving an 11 year prison sentence for simply signing a document calling for democracy in China.

Yesterday, I chaired a hearing on the plight of Chinese activist lawyer Chen Guangcheng and his wife Yuan Weijing, who since 2005 have been subjected to beatings, extralegal detention, numerous violations of their rights under criminal procedure law, confiscation of their personal belongings, 24-hour surveillance and invasion of their privacy, disconnection from all forms of communication, and even denial of education for their six-year old daughter.

Blinded by a childhood disease, Chen Guangcheng began his legal advocacy career in 1996 educating disabled citizens and farmers about their rights. Decades later, when local villagers started coming to him with their stories of forced abortions and forced sterilizations, Chen and his wife Yuan Weijing documented these stories, later building briefs and lawsuits against the officials involved. When Chen investigated and intervened with a class action suit on behalf of women in Linyi City who suffered horrific abuse under China’s one child per couple policy, he was arrested, detained and tortured. He and his wife and child remain under house arrest—and at grave risk of additional harm.

China today is a gulag state.

I’d like to note here that laws urging the President to deny entry visas to gross human rights abusers have been very useful with respect to other repressive countries. The Belarus Democracy Reauthorization Act of 2006 (Public Law 109-480), which I authored, includes similar language on denying visas for those who hold senior positions in the Belarus government, their immediate family members and those who have participated in human rights violations and suppression of democracy. These visa denials, along with other sanctions imposed by the United States, were instrumental in securing the release of political prisoners in 2008. More recently, US and EU sanctions on Belarus, including visa denials to targeted senior officials involved in severe abuses, have had an effect in the release of many of the political prisoners who were convicted following the December 2010 post-election crackdown in Belarus.

Mr. Chairman, On October 10, the Congressional-Executive Commission on China, which I chair, published its 2011 Annual Report, documenting the Chinese government's continuing failure to secure its citizens fundamental rights and freedoms and to promote the rule of law. Indeed, in some respects, conditions have worsened. Our report notes that China's leaders have grown more assertive in committing rights violations and are increasingly willing to disregard the law when it suits them, particularly to silence dissent. We saw this trend in sharp relief earlier in the year, as authorities launched a campaign to "disappear" numerous lawyers and activists following pro-democracy protests elsewhere in the world.

Rights abuses were not limited to this domain. In all the issues covered by the report, we saw continuing problems. Religious believers remained unable to worship freely, and authorities continued to shutter private places of worship and detain believers. The government maintained policies that threaten the viability of the languages, religions, and cultures of Tibetans, Uyghurs, and other ethnic groups in China. Women continued to suffer from the brutality of China's population planning policies, and our report documents continuing use of violence, forced abortion, and sterilization to coerce compliance.

General social controls increased throughout the country. Authorities stepped up monitoring of citizens in the name of "safeguarding social stability." The government took steps to tighten regulation of the Internet. We saw continued restrictions on freedom of residence and travel, and insufficient steps by the government to combat trafficking in persons. North Korean refugees were among trafficking victims in China and also were victims of forced deportation to North Korea, with tragic consequences.

In the area of commercial rule of law, China failed to fully comply with its WTO commitments. Workers were unable to organize freely and faced exploitative labor conditions. China's workers and others in the country encountered multiple barriers to seeking redress in the legal system.

The report also describes cases of men and women locked up in Chinese prisons, held in secret detention centers, or otherwise deprived of their freedoms for the "crime" of exercising their fundamental human rights. One such person is Nobel Laureate Liu Xiaobo, now serving an 11-year prison sentence for speaking out against oppression and promoting peaceful democratic reforms. The report also discusses Chen Guangcheng, a self-trained legal advocate who exposed the horrific abuses in China's population planning policies. Released from prison last year, he and his family were then confined to their home under constant surveillance, with reports of beatings by security officers and other abuses.

Liu, Chen, and the other political prisoners discussed in the report are but a fraction of the 6,600 cases in the Commission's Political Prisoner Database, including more than 1,400 current cases of detention. Our database is a publicly accessible resource that documents the Chinese

government's abuses against its own citizens. Yet with China's tight curbs over the free flow of information and track record of secret trials, these records in our database are certain to be only a fraction of the true number of prisoners of conscience in China.

Needless to say, our report does not paint an attractive picture of the Chinese government's actions. China's Foreign Ministry spokesperson made a statement against the report, saying that it "distorts facts and interferes in China's internal affairs." As to the first charge, I'll simply note that our report is based on extensive research and analysis that cites to China's own laws, media, and government documents. Just look to any one of the report's 2,000-plus endnotes for proof. And where the facts indicate that there are bright spots, the report notes it. The report documents potential progress in areas such as legal aid, government transparency, and some criminal law reforms.

As to the second charge, the report measures the facts against international standards. This is a key point. China's actions in this regard are not a simply a domestic matter. We are holding China to universal standards that apply to all states and that China itself claims to uphold. Ensuring that these universal values are protected is a task that belongs to all of us, and indeed, where Chinese citizens lack the freedom to speak out against their government, we must not stand by in silence. That China's actions also bear global consequences in areas from food safety to infectious disease lends only further import to the task of keeping a spotlight on the country.

As a nation, we must not turn a blind eye to the Chinese government's continuing acts of silencing dissent, committing crimes against its own people, and repressing its citizens' fundamental human rights.

It is for these reasons that I heartily implore the consideration of HR-2121, the China Democracy Promotion Act of 2011. Thank you Mr. Chairman.