

China Human Rights and Rule of Law Update

September 2006
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United States Congressional-Executive Commission on China

Senator Chuck Hagel, Chairman | Representative Jim Leach, Co-Chairman

Announcements

Hearing: Human Rights and Rule of Law in China

The Congressional-Executive Commission on China will hold a full Commission hearing entitled "Human Rights and Rule of Law in China," on Wednesday, September 20, 2006 from 10:00 - 11:30 a.m. in Room 138 of the Dirksen Senate Office Building. Senator Hagel will preside.

The witnesses are:

- Jerome A. Cohen, Professor of Law, New York University School of Law
- John Kamm, Executive Director, The Dui Hua Foundation
- Minxin Pei, Director, China Program, Carnegie Endowment for International Peace
- Xiao Qiang, Director, China Internet Project, University of California at Berkeley

Update on Rights and Law in China

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Beijing Court Sentences Journalist Zhao Yan to 3 Years' Imprisonment

The Beijing No. 2 Intermediate People's Court acquitted New York Times researcher Zhao Yan of disclosing state secrets on August 25, but sentenced him to three years' imprisonment on an unrelated fraud charge, according to an August 25 New York Times [report](#). On August 26, the China Daily [reported](#) that the court also fined Zhao 2,000 yuan (US\$250) and ordered him to pay back 20,000 yuan (US\$2,500) that it ruled he had acquired through fraud. According to a September 5 Associated Press International [report](#) (via the Guardian), on that day Zhao filed an appeal arguing that the prosecution's evidence was insufficient and that the court did not allow a defense witness to testify.

[Sources have said](#) the "state secret" was information that former President and Party General Secretary Jiang Zemin had offered to resign as Chairman of the Central Military Commission. His resignation was later reported in the official press. On August 26, the New York Times [quoted Jerome A. Cohen](#), an expert on Chinese law and advisor to the New York Times on Zhao's case, as saying that the fraud charge was a "fig leaf" that the government added to the original state secrets charge because it had no evidence to support the latter. The conviction, therefore, helped the government "save face." Mo Shaoping, Zhao's lead defense lawyer (who has represented several other political prisoners including [Feng Bingxian](#), [Li Changqing](#), [Xu Zhengqing](#), and [Zhang Lin](#)), said the defense team would likely appeal, according to the New York Times account.

Chinese language state-run news media have not reported on Zhao's sentencing. The English language editions of several state-run publications and news media organizations, including the [China Daily](#), [Shanghai Daily](#), and Xinhua (via the [People's Daily](#)), published brief articles that were almost identical. These reports said that the court had provided Xinhua with a document saying that Zhao had gone to Jilin province in 2001 to investigate a story for "Baixing Xinbao," a subsidiary of the Legal Daily, a publication of the Ministry of Justice. According to Xinhua, Feng Shanchen, the story's subject, believed he had been prosecuted unjustly (the reports did not specify for what), and paid Zhao 20,000 (US\$2,500) yuan to use government connections to get his punishment rescinded.

The CECC has [previously noted](#) several procedural problems with Zhao's case. Below is a summary of the timeline of these problems and other major events in the case:

- [September 17, 2004](#): Officers from the Ministry of State Security detain Zhao.
- October 20, 2004: Authorities formally arrest Zhao for "providing state secrets to foreigners."
- May 20, 2005: State security officials complete their investigation and transfer Zhao's case to the Beijing procuratorate for prosecution on charges of providing state secrets to foreigners and fraud.
- [August 31, 2005](#): The New York Times reports that Zhao is forbidden to see his family, has lost 22 pounds, and that the government had denied his request for a biopsy and his lawyer's efforts to post bail. The report also raises questions about whether the state security officials legally acquired key evidence in the state secrets case.
- [December 7, 2005](#): Reporters Without Borders awards Zhao its 2005 Fondation de France Prize.
- [December 23, 2005](#): The Beijing procuratorate indicts Zhao for revealing state secrets and fraud.

- March 17, 2006: One month before President Hu Jintao was scheduled to visit the United States and meet with U.S. President George W. Bush, the Beijing procuratorate receives permission from the Beijing No. 2 Intermediate People's Court to withdraw its case. Mo Shaoping is quoted as saying that, "by withdrawing the prosecution, there is no longer anyone to charge [the defendant], and without anyone to charge the defendant, there is no way for a court to find anyone guilty of a crime." Mo adds that under Chinese law, authorities should have released Zhao at that time.
- May 12, 2006: Three weeks after President Hu's meeting with President Bush, the Beijing procuratorate issues a new indictment that reinstates the prior charges against Zhao. Mo Shaoping says that no Chinese law or judicial interpretation authorizes the procuratorate to resume prosecution after it has withdrawn a case, and that in Zhao's case, this action was taken with "no basis in law."
- [May 27, 2006](#): Mo Shaoping reports that Chinese authorities have set a preliminary date of June 8 to try Zhao.
- June 16, 2006: The Beijing No. 2 Intermediate People's Court tries Zhao, but prevents the public, news media, potential defense witnesses, and his family from attending, and bars his lawyers from publicly commenting on specifics of the trial.

Beijing Court Sentences Journalist Ching Cheong to 5 Years' Imprisonment

The Beijing No. 2 Intermediate People's Court sentenced journalist Ching Cheong to five years' imprisonment and one year's deprivation of political rights on August 31 for spying for Taiwan, according to an August 31 Xinhua [report](#) (via the China Daily). The report cited a "document released by the court" as saying Ching "supplied information involving state secrets and intelligence he received from contacts in Beijing" to two people from a Taiwan foundation via fax and e-mail from May 2004 to April 2005. Ching was tried on August 15 behind closed doors in proceedings that lasted only a few hours.

On April 22, 2005, agents from China's Ministry of State Security detained Ching, then the Hong Kong-based chief China correspondent for the Straits Times of Singapore, in Guangzhou city, Guangdong province, when he traveled there from Hong Kong to meet with a source, according to a May 30, 2005, Washington Post [report](#). On May 31, 2005, Ministry of Foreign Affairs (MFA) spokesman Kong Quan said Ching had confessed that "on the basis of the request of a foreign intelligence agency, he carried out intelligence gathering activities in China, and collected large spying fees," according to a June 1, 2005, Takung Pao [report](#) (in Chinese). On June 2, 2005, according to a press conference [transcript](#) on the MFA Web site, Kong said "Ching Cheong has been gathering intelligence in China's mainland under the order and direction of an overseas intelligence agency." The Beijing state security bureau arrested Ching on August 5, 2005, according to an August 6 Xinhua [report](#) (via the People's Daily, in Chinese). The same report stated Ching had spied for Taiwan from 2000 through March 2005.

Ching's imprisonment is the most recent in a series of Chinese government detentions, arrests, and imprisonments of journalists and writers during 2006, including [Zhao Yan \(state secrets, later changed to fraud\)](#), [Yang Tianshui \(subversion\)](#), [Guo Qizhen \(inciting subversion\)](#), [Li Yuanlong \(inciting subversion\)](#), [Li Changqing \(disseminating terrorist information\)](#), and Zan Aizong (spreading rumors). Chinese authorities also recently [detained documentary filmmaker Hao Wu](#) for 140 days. Authorities never provided a reason for holding Wu, but he was shooting a documentary about China's unregistered house churches at the time he was taken into custody.

The lack of transparency with which the Chinese government has handled Ching's case makes it difficult to determine the precise nature of the charges against him. According to a [document posted on the Boxun Web site](#) (in Chinese) purporting to be a copy of the court's verdict, Ching was found to have violated Clause 1 of Article 110 of the [Criminal Law](#), which makes it a crime join an espionage organization or accept a mission from such an organization and thereby endanger national security.

The Chinese government's interpretation of what constitutes a state secret is so broad as to include essentially all matters of public concern. The UN Working Group on Arbitrary Detention identified the government's use of state secrets exceptions as an area of concern in the [report on its September 2004 mission to China](#). In addition to the reference in the Explanation to all materials that relate "to the security and interests of the nation," Article 8 of the [Law on the Protection of State Secrets](#) and Article 4 of the [Measures for the Implementation of the Law on the Protection of State Secrets](#) also define state secrets to include information ranging from that which "concern[s] major policy decisions on state affairs" to that which "weakens the nation's economy or technological strength." In addition, the Chinese government has determined that it has the authority to classify documents as state secrets, even if the documents are publicly available, after Chinese citizens have provided them to foreigners. Officials have used this authority to imprison people such as housing rights activist [Zheng Enchong](#). In recent years, 70 percent of all cases of criminal disclosure of state secrets were the result of a "faulty understanding of state secrets," according to a May 1, 2005, Xinhua [report](#).

Authorities Arrest and Imprison Writers for Online Essays Criticizing Government

Between May and July 2006, Chinese authorities arrested or sentenced the individuals below for criticizing the Chinese government on foreign Web sites, claiming such actions "subverted state power" or "incited subversion of state power."

Yang Tianshui: On May 17, the Zhenjiang Intermediate People's Court in Jiangsu province sentenced freelance writer Yang Tongyan (better known by his pen name Yang Tianshui) to 12 years' imprisonment and four years' deprivation of political rights for "subversion of state power," a crime under Article 105(1) of the [Criminal Law](#), according to the court's [judgment](#) (in Chinese, reprinted by the Network of Chinese Human Rights Defenders (CRD), [translation](#) available through the Dui Hua

Foundation). The court found that Yang had:

- posted subversive articles on foreign Web sites, including the Epoch Times and Boxun. In "Everyone has the Right to Oppose Tyranny," Yang wrote: "The authoritarian system is itself a kind of absolute autocrat and traitor to the people. Everyone has the right to punish such traitors," according to the procuratorate's indictment referenced in the judgment.
- been elected to the Secretariat of the "First Democratic Chinese Provisional Transitional Government" as well as Jiangsu member of the Working Committee for Peaceful Handover of Authority in Provinces and Cities through an online election launched by an overseas group called "Velvet Action."
- formed and recruited members for a committee to organize the Jiangsu-Anhui branch of the outlawed China Democracy Party.
- used overseas donations to assist Chinese citizens who had been convicted of crimes that the Chinese government characterizes as "endangering state security."

The court rejected Yang's argument that his actions were a lawful exercise of the freedoms of speech and association guaranteed under the Chinese Constitution, saying that the Constitution also provides that "in the commission of these political rights, citizens shall not endanger the interests or security of the state." Yang also argued that his actions were not concrete enough to constitute a crime and that the overseas donations had been used for humanitarian purposes, according to a [statement](#) (in Chinese, posted on May 26 via Boxun) from Li Jianqiang, one of Yang's lawyers. The court handed down a heavier sentence because of Yang's commission of "major" crimes, his collusion with overseas parties and his prior criminal record. Yang previously served 10 years in prison after being convicted for the crime of "counterrevolution" in 1991.

Authorities detained Yang in Nanjing city, Jiangsu, on December 23, 2005, formally arrested him on January 20, 2006, and indicted him on April 25. Authorities granted Yang access to a lawyer on April 15 after initially denying him such access on the grounds that the case [involved state secrets](#), according to Li's statement. In a [report on its 2004 mission to China](#), the [UN Working Group on Arbitrary Detention](#) (UNWGAD) identified Chinese authorities' use of "state secrets" exceptions as an area of concern, noting that they improperly interfere with access to defense counsel. For more information on Yang, see [an earlier CECC analysis on Yang's arrest](#).

Guo Qizhen: On June 6, the Cangzhou Municipal Public Security Bureau (PSB) arrested rights activist Guo Qizhen on a charge of "inciting subversion of state power," a crime under Article 105(2) of the [Criminal Law](#), according to the June 16 [opinion](#) that the PSB filed with the Cangzhou Municipal People's Procuratorate (in Chinese, reprinted by Boxun). The opinion alleges that Guo posted essays on foreign Web sites, including the Epoch Times, which "viciously attacked, slandered, and insulted" leading members of the Communist Party and Chinese government, negatively impacting international opinion. As an example, the opinion notes an essay Guo posted on the Democracy Forum (Minzhu Luntan) Web site on April 2 titled "Let Some Get Rich First While Others Cannot Make a Living" in which he writes, "From the beginning [the Chinese Communist government] has set its reactionary policies against civility and progress and the mainstream and have vainly attempted . . . to prop up a despotic, autocratic regime." Guo's trial is scheduled for September 12, according to a September 1 Boxun [article](#).

The PSB had detained Guo on May 12 as he was preparing to join a [hunger strike](#) organized by Beijing lawyer Gao Zhisheng to protest human rights violations in China, according to a July 4 CRD [report](#). According to CRD, authorities previously detained and arrested Guo in the mid-1990s after he exposed corruption by a local official.

Li Yuanlong: On July 12, the Bijie Intermediate People's Court in Guizhou province sentenced Li Yuanlong, a journalist with the Bijie Daily, to two years' imprisonment and two years' deprivation of political rights for "inciting subversion of state power," a crime under Article 105(2) of the [Criminal Law](#) and Article 2(1) of the [Decision of the Standing Committee of the National People's Congress Regarding Safeguarding Internet Safety](#), according to the court's [judgment](#) (in Chinese, reprinted by Boxun). The court found that Li had posted essays with titles such as "In My Mind, I'm Becoming an American" and "Common Birth, Tragic Death" on foreign Web sites, including New Century Net and ChinaEWeekly. The essays contained "exaggerations, distortions, and fabrications" and "attacked the leaders of the Chinese Communist Party," the court said. The court said that the essays endangered the "people's democratic dictatorship" because many people had viewed the essays online and responded to them.

Authorities detained Li on September 9, 2005 and formally arrested him on September 29. After a month-long investigation the procuratorate decided there was insufficient evidence to go to trial and in December 2005 sent the case back to state security officials for further investigation. In January, state security officials returned the case to the procuratorate, requesting reinstatement of the proceeding and the procuratorate formally indicted Li on February 9. According to a July 13 Reporters Without Borders (RSW) [report](#), Li's son was detained and coerced into making a written statement against his father that the procuratorate used as evidence in the case. For more information on Li, see [an earlier CECC analysis on Li's indictment](#).

In its [2004 report](#), the [UNWGAD](#) recommended that the Chinese government halt the use of vague, imprecise, or overly broad criminal law provisions such as "subverting state power" to punish peaceful expression, assembly, and religious practice.

Supreme People's Procuratorate Details New Efforts to Prosecute Abuses of Power

The Supreme People's Procuratorate (SPP) has issued new provisions that detail the criteria for prosecuting official abuses of power, according to a July 26 Xinhua [report](#). The SPP's [Provisions on the Criteria for Filing Dereliction of Duty and Rights Infringement Criminal Cases](#) went into effect on July 26, and clarify standards previously established in 1999 by the SPP's [Provisions on the Criteria for Filing Cases Directly Received by People's Procuratorates for Filing and Investigation \(Trial\)](#). The new provisions provide guidance for prosecuting 42 offenses, including 35 "dereliction of duty" crimes under Part II, Chapter 9 of the [Criminal Law](#) and 7 "rights infringement" crimes under Part II, Chapter 4. They omit guidance on "embezzlement and bribery" crimes under Part II, Chapter 8 of the Criminal Law, even though standards for prosecuting these crimes were included in the 1999 provisions.

Wang Zhenchuan, Deputy Procurator General of the SPP, explained at a July 26 [press conference](#) (in Chinese, posted on the Procuratorial Daily Web site) that the 1999 provisions lacked sufficient guidance, and therefore enabled some officials to escape criminal investigation and punishment for their wrongdoing. Wang encouraged procuratorates to pay attention to major incidents exposed by the news media, and to investigate and punish criminal activity arising from such incidents. A number of officials were prosecuted for abuses of power in 2005 and 2006 following intense media scrutiny. For example, the Beijing News reported in June 2005 that He Feng, former Party secretary of Dingzhou city, Hebei province, had [authorized the shootings of villagers protesting inadequate land compensation](#). He Feng was removed from his post in June, prosecuted for the shootings in December, and sentenced to life imprisonment in February 2006. In June and July, articles in various state-controlled news media highlighted several cases in which torture had resulted in the [deaths of Chinese citizens while in the custody of local officials](#). In one case, two public security officials received sentences of 1 year and 12 years' imprisonment, respectively, for beating a woman to death during police interrogation. The local procuratorate did not launch an investigation until two years after the incident occurred, and only in response to persistent efforts by the woman's husband to petition the government.

While Chinese news media have extensively reported claims by Wang and other SPP officials that the new provisions will result in more prosecutions and greater protection of human rights, in fact, the changes are often minor and obvious clarifications. For example, with respect to maltreatment of prisoners, procuratorates are now expected to initiate a prosecution where the maltreatment brings about the prisoner's suicide, serious injury through self-infliction, death, or mental disorder. The 1999 provisions provided for prosecution only where official maltreatment brought about the prisoner's death, mental disorder, or "other serious consequences." However, the case of Tiananmen democracy protestor [Yu Dongyue](#) calls into question the practical effect of the SPP's standards. Yu's mother reported upon Yu's release from prison in February 2006 that he was "broken and mentally deranged," and that he had spent two years in solitary confinement and was subjected to electric shocks and brutal beatings by prison officials. But even though the abuses could have been prosecuted under the 1999 provisions, there are no reports that the local procuratorate ever investigated or prosecuted any prison officials.

A July 11 Procuratorial Daily [report](#) (in Chinese) quotes an unnamed SPP spokesperson as saying that local procuratorates do not lack potential cases, but "many of them are cases that [the procuratorates] don't dare handle, are unlikely to handle, and cannot handle." From June 2005 through June 2006, procuratorates throughout China received 6,335 criminal cases of dereliction of duty and rights infringement, according to a July 26 [statement](#) by SPP spokesperson Tong Jianming (in Chinese, posted on the Procuratorial Daily Web site). Of those, they filed and investigated 3,773 cases involving 4,645 officials, prosecuted 1,924 officials, and ultimately obtained convictions against 1,450. A July 25 Procuratorial Daily [report](#) (in Chinese) notes that even when officials are prosecuted for dereliction of duty crimes, 83 percent of those found guilty receive suspended sentences or exemptions from criminal punishment. The report quotes Professor Chen Guangzhong, a criminal procedure expert at China University of Political Science and Law, as saying that this statistic is the result of many officials having extensive social networks and influence upon judicial agencies. According to a July 25 Procuratorial Daily [commentary](#) (in Chinese), an additional problem is that local leaders fear that too many prosecutions against corruption, among other abuses, may adversely affect their political record or ability to attract investment to the locality. As a result, they have intervened in the work of local law enforcement and judicial agencies.

The next step in implementing the new provisions will be to educate local communities and citizens, and to encourage citizens to file complaints and reports about official abuses of power, according to a July 26 Procuratorial Daily [report](#) (in Chinese). The procedures for pursuing citizen complaints are currently established under various provisions of the [Criminal Procedure Law](#) (CPL). Under Article 145 of the CPL, if a procuratorate decides not to begin a prosecution in any case that involves a victim, the procuratorate must report its decision in writing to the victim. The CPL provides that the victim may challenge a decision not to prosecute within seven days after receiving the decision, by petitioning to the procuratorate at the next higher level. If the higher-level procuratorate also decides not to prosecute the case, the victim may bring a lawsuit directly in court under procedures established in Articles 170 through 179 of the CPL.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.php?NLdate=20060906&show=ALL#id68095>

Authorities Sentence Chen Guangcheng After Taking His Defense Team Into Custody

The Yinan County Intermediate People's Court in Linyi city, Shandong province, sentenced Chen Guangcheng to four years and three months in prison on August 24 for "intentional destruction of property" (a crime under Article 275 of the [Criminal Law](#)) and "gathering people to disturb traffic order" (a crime under Article 291 of the Criminal Law), according to an August 25 Xinhua [report](#) (reprinted in the China Daily). Chen Guangcheng is a self-trained legal advocate who drew [international news media attention](#) to population planning abuses in Linyi in 2005. Local authorities placed Chen under house arrest in

September 2005 and [arrested](#) Chen on June 21, 2006. Xinhua noted that it received details about the proceedings from a court document, but did not characterize the document as the court's judgment in Chen's case. According to the document, Chen's rights "were completely protected" at trial, and his two lawyers "expressed their views in full." This language echoes similar language in an August 26 China Daily [report](#) on the [sentencing of New York Times researcher Zhao Yan](#) and an August 31 Xinhua [report](#) (reprinted in the China Daily) on the [sentencing of Straits Times journalist Ching Cheong](#), which stated that the defendant's procedural rights had been "fully guaranteed" in each case.

On August 17, local authorities took into custody three of Chen's defense lawyers in relation to allegations of theft, according to an August 19 Washington Post [report](#). Two of the three lawyers were released by noon on August 18 and subsequently submitted a request to delay the trial. The court did not grant their request, but instead announced that Chen's defense team could not attend the trial "due to some unexpected reason." The South China Morning Post (SCMP) [reported](#) (subscription required) on August 25 that one hour before the trial began, the court appointed two local lawyers to represent Chen. Li Fangping, one of the detained lawyers, told the Washington Post that the two local lawyers did not meet with Chen before the trial. Chen Guangfu, Chen Guangcheng's brother, told the SCMP that during the trial, the two local lawyers made no objections to the procuratorate's case. Despite a general requirement under Article 152 of China's [Criminal Procedure Law](#) (CPL) that trial judges open their proceedings to the public, Yuan Weijing, Chen's wife, was barred from attending the trial.

Since June, Linyi authorities have intervened to [obstruct legal defense efforts on behalf of Chen](#). Both Chinese and international law provide a criminal defendant with the right to be represented at trial by defense lawyers of his own choosing. Articles 32 and 33 of the CPL provide that a defendant shall have the right to "entrust persons as his defenders." Furthermore, Article 30 of the Lawyers Law mandates that "[a lawyer's] right to argue or present a defense shall be protected in accordance with law." The actions of Linyi officials disregard the protections guaranteed under Chinese law, and contravene Article 11 of the [Universal Declaration of Human Rights](#), which requires that a criminal defendant has had "all the guarantees necessary for his [defense]," and Article 14.3(b) of the [International Covenant on Civil and Political Rights](#), which requires that he have "adequate time and facilities for the preparation of his [defense] and to communicate with counsel of his own choosing."

Chen's conviction is based on events that transpired on February 5 and March 11, both dates on which unidentified assailants beat Chen's relatives. The Xinhua report indicated that on February 5, at the direction of Yuan Weijing, Chen "instigated [fellow villagers] Chen Guanghe, Chen Guangdong and Chen Gengjiang to damage and smash cars belonging to the Shuanghou Police Station and the town government." On March 11, Chen allegedly "organized a group of people . . . under the excuse of seeking justice for [his cousin] Chen Guangyu," "stood in the middle of the road to stop vehicles and directed the mob . . . to yell out and stop traffic," and "stopped the traffic for three hours and delayed more than 200 vehicles, including an ambulance carrying a pregnant woman to the hospital." Yuan told the SCMP that Chen Guanghe, Chen Guangdong, and Chen Gengjiang received suspended seven-month sentences and were released on August 24. She further reported that the three had been tortured during detention.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.php?NLdate=20060906&show=ALL#id68705>

ACFTU Presses Foreign Companies to Accept Union Branches

The All-China Federation of Trade Unions (ACFTU) began a campaign in March 2006 to establish union branches in foreign enterprises doing business in China, according to an April 1 Asia Times [report](#).

ACFTU Vice Chairwoman Sun Chunlan announced on July 5 that "[The ACFTU] will promote the formation of unions within private enterprises during the second half of the year, particularly within foreign enterprises, in order to meet the goals of expanding the total number of unions to 1.3 million and establishing 120,000 new grassroots unions by the end of the year," according to a July 5 Xinhua [article](#). Wang Zhaoguo, ACFTU Chairman and a Politburo member, proposed an amendment to the Trade Union Law on July 5 that would require foreign enterprises to establish ACFTU-affiliated branches, according to a July 5 Xinhua [article](#).

The ACFTU, a Communist Party-led mass organization, is the only legal labor federation in China. It controls local union branches and aligns worker and union activity with government and Party policy. Chinese workers who attempt to form independent workers' organizations, or whom the government suspects of being leaders of such organizations, risk imprisonment. For more information, see Section III(c), on the [Protection of Internationally Recognized Labor Rights](#), in the Commission's 2005 Annual Report.

ACFTU officials have pressed foreign enterprises to establish ACFTU branches. ACFTU officials have said that 60 percent of the 500,000 foreign enterprises in China have not established ACFTU branches, according to a July 25 Voice of America (VOA) [report](#). ACFTU Chairman Wang said that, "We started to push Wal-Mart to set up union branches two years ago, yet there is not a single one built so far . . . [but] we will continue to work on this," according to a July 6 Xinhua [article](#). Wal-Mart publicly committed in 2004 to allowing its Chinese employees to establish unions if they requested the formation of one, but no such unions were formed until 2006. In July and August, however, ACFTU branches were rapidly established in 17 Wal-Mart stores in China, according to an August 15 China Labor Bulletin [report](#), and a Wal-Mart spokesman said that the company anticipates "working collaboratively with leadership from the ACFTU and Union organizations at all levels to create a model working relationship," according to an August 9 Wall Street Journal [article](#). The VOA report notes that other foreign enterprises, including McDonald's, Kentucky Fried Chicken, and Samsung, have also established ACFTU branches in recent months.

The ACFTU campaign to expand unions in foreign enterprises doing business in China follows a March directive issued by top Party leaders ordering the establishment of Party organizations and trade unions in foreign enterprises as a means to counter social unrest, according to an August 15 China Labor Bulletin [translation](#) of a Beijing News article. The Hong Kong Liaison Office of the international trade union movement noted in a March [analysis](#) that the ACFTU's 2006 efforts to expand the number of ACFTU branches is an effort to respond to declining ACFTU membership, increasing labor protests, efforts by Chinese workers to organize independent unions, and an increase in the percentage of the workforce composed of non-unionized migrant workers. The Xinhua article noted that only 13.8 percent of migrant workers currently belong to an ACFTU union, and that the ACFTU aims to recruit 6.5 million new migrant workers to join ACFTU branches by the end of 2006.

Zhejiang Officials Demolish House Churches, Beat and Detain House Church Members

Zhejiang officials demolished a Protestant house church in Hangzhou city on July 29, beat hundreds of church members, and detained more than 50 church members, according to reports of [July 31](#) and [August 2](#) by the China Aid Association (CAA), a U.S. NGO that monitors religious freedom in China. Officials detained three more Hangzhou house church leaders on August 3, the CAA [reported](#) the following day. The CAA [reported](#) on August 9 that authorities released over 20 of the previously detained members, placed five others in criminal detention under charges of "interfering with the duties of a public security official," and continued to hold over 20 members without charge. Another 10 Hangzhou house church members were released and six others notified formally of their detention on criminal charges later in the month, according to an August 22 CAA [report](#).

Zhejiang officials also demolished another house church structure in Shaoxing city, accord to the August 22 CAA report. In connection with the Hangzhou church demolition, Zan Aizong, journalist and Zhejiang bureau chief for the Beijing-based China Ocean News [Zhongguo Haiyang Bao], was dismissed from his position and briefly detained by Hangzhou public security officials after he posted reports about the demolition on overseas Web sites, according to [reports](#) of Reporters Without Borders.

The Hangzhou demolition occurred after the local government repeatedly refused to provide authorization for the house church members to build a church in the Xiaoshan district of Hangzhou, according to a Chinese House Church Alliance [report](#) posted on the CAA Web site. On July 17, the house church members began constructing a church on private property that had been purchased by house church members. The local government informed church leaders that it had other plans for developing the land and asked the house church members to cease construction. According to an August 18 New York Times [article](#) (subscription only), the church leaders were told they could build their church on a narrow triangular plot under an elevated highway. The church members resumed construction on the original site, and on July 28 the local government declared the building illegal and asked the house church members to demolish it voluntarily. On July 29, thousands of house church members were occupying the church structure when police dispersed the assembled church members, beat hundreds of them, and demolished the church.

The state-controlled Chinese press reported official claims that the Hangzhou structure was destroyed in accordance with Chinese law. Qiu Youlai, Xiaoshan district director of the United Front Work Department, the Communist Party organization that oversees religious issues, said that the church members had not obtained approval for construction of the building, which violated city planning rules, according to an August 1 People's Daily [report](#) and an August 2 Shanghai Daily [report](#). The People's Daily and Shanghai Daily reports said that two people had been arrested in connection with the construction but did not mention any injuries.

Hangzhou house church Protestants have been at odds with the government for some time about building church structures, according to an August 1 Reuters [report](#). According to the CAA's August 2 report, officials have demolished over 300 house churches in Zhejiang province since 2003. In July 2003, for example, Hangzhou officials demolished approximately a dozen house churches, according to an Amnesty International [report](#). In August 2004, officials convicted Liu Fenggang, a house church Protestant from Beijing, of "providing state secrets to foreign organizations" when he informed foreign news media about these demolitions and other repressive actions against house church Protestants, Amnesty International reported. In 2000, Zhejiang officials demolished hundreds of churches, temples, or homes where unregistered religious believers met to pray, according to a December 13, 2000, Zenit [report](#). A June 2001 Keston News Service [report](#) documented the course of the 2000 demolition campaign.

For more information on Protestants in China, see the [CECC 2005 Annual Report](#), Section III(d).

Judicial Officials Consider Uniform Rules for Court Responses to Citizen Petitions

The Supreme People's Court (SPC) currently is researching the adoption of a uniform set of rules to govern how courts respond to citizen petitions following court decisions, according to a July 25 Legal Daily [article](#) (in Chinese) posted on the Procuratorate Daily Web site. SPC officials [announced](#) at a November 2005 conference that they would require all Chinese courts to establish such rules, and courts in Anhui, Guizhou, Hainan, Hubei, and Henan provinces and Chongqing municipality have already done so, according to the Legal Daily article. Guangdong provincial officials announced in July that Guangdong courts at all levels would also implement such rules, according to a July 20 Xinhua [article](#).

Judges generally have the responsibility under such rules for handling the in-person visits of petitioners who want to complain about court decisions. The 2005 SPC announcement said that a trial judge's record of handling such complaints

will be made part of their regular performance review along with their record of handling trials. The Guangdong rules will require presiding judges who issue decisions to meet with dissatisfied parties, address their complaints, and convince them that the original decision was valid. A June 21 [report](#) posted on the SPC's Web site noted that the rules adopted by the Bazhong Intermediate People's Court in Sichuan province require the docketing tribunal to organize the court's responses to parties who complain regarding the "facts, reasons, use of law, and determination of responsibility" of final court decisions. Docketing judges must notify the presiding judge who issued the decision to meet with dissatisfied parties and convince the complaining parties that the decision is valid. Judicial authorities at higher levels also may participate in resolving citizen complaints, and docketing judges may arrange additional meetings if dissatisfied parties continue to file petitions.

Compelling judges to handle post-verdict citizen petitions is part of a comprehensive government effort to reduce the number of citizen petitions. The SPC's announcement that it would require courts to adopt rules for responding to such petitions [parallel](#) aspects of the new 2005 [Regulations on Letters and Visits](#). The announcement also followed a Ministry of Public Security-managed [national campaign](#) during mid-2005 that sought to reduce the number of citizen petitions nationwide. Guangdong provincial court officials announced their measures to respond to post-decision petitions at a conference on xinfang (letters and visits) work. Both the Xinhua article and the SPC press release link the Guangdong and Bazhong measures to efforts to reduce the number of litigation-related petitions. For more on the Chinese xinfang system, see Section V(e), on [Access to Justice](#), of the Commission's [2005 Annual Report](#).

Some commentators have criticized these rules. A July 21 [post](#) on the Rule of Law Forum pointed out that requiring judges to receive petitioners and respond to their complaints after they have issued a decision creates three problems for the authority and independence of the judiciary. First, the requirement that judges issue additional explanations for their decisions undermines the authority and weight of the original decisions. Second, requiring judges to explain their verdicts in more detail creates a pretext for dissatisfied parties to challenge the verdicts and raises the costs of litigation by allowing parties alternative channels to repeatedly appeal decisions that they disagree with. Third, these rules undermine judicial impartiality by compelling judges to personally resolve an individual party's dissatisfaction with a verdict.

The SPC rejects such criticism of systems requiring judges to respond to post-decision petitions. An unnamed official of the SPC's docketing tribunal noted in a February 13 Legal Daily [article](#) that, "whether out of concern for social stability or concern for individual parties, judges cannot fail to pay attention to these matters, and must conduct legal propaganda and education to convince [petitioners] to abide by the verdict and halt their complaints." He rejected concerns that such efforts would harm judicial efficiency, saying that those who "only care about efficiency and deciding cases, and don't care about the quality or the effects of their decisions" are failing to abide by the "scientific concept of development" of Chinese courts. SPC Vice President Cao Jianming called on courts in a January 5 [speech](#) on the "scientific concept of development" to "fully recognize the serious situation posed by litigation-related petitions that remain high in number without going down" and implement rules requiring judges to respond to them as a means for addressing such petitions.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.php?NLdate=20060906&show=ALL#id64064>

House Church Members in Henan, Inner Mongolia, Jilin, and Sichuan Accused of Cult Activities

Government officials in Henan, Jilin, and Sichuan provinces and the Inner Mongolian Autonomous Region investigated or accused Protestant house church members of being involved in "cults" during June and July 2006, according to the China Aid Association (CAA), a U.S. NGO that monitors religious freedom in China.

- On June 27, officials raided a house church meeting and detained 30 house church leaders in Langzhong city, Sichuan province, according to a June 29 CAA [report](#). Officials released some of the detainees the next day, but placed 14 under criminal detention. CAA later [reported](#) that 7 of the 14 were placed in administrative detention, and that authorities likely sent Li Ming, Wang Yuan, Li Jinbo, and Jin Jiyun, all leaders of the Chinese House Church Alliance who were taken into custody when they inquired about the detentions of the original 30 detainees, to a reeducation through labor center. Li Baiguang, a house church-affiliated lawyer, filed an administrative complaint on behalf of the seven individuals in administrative detention. Officials have reportedly pressured the house church members to withdraw the complaint. According to Li Baiguang's [report](#) (available via the CAA Web site) on the repression of the house church in Langzhong, officials accused Wang Suhua, 1 of the 14 detainees, of cult activities. Li Baiguang is one of a number of [lawyers who are members of house churches](#) who have begun to promote the rule of law with respect to religious belief and practice by raising house church leaders' awareness of their legal rights, and by demanding that the government comply with relevant laws and regulations.
- On July 6, officials detained Dan Wei, a pastor from Chongqing municipality, and Xiao Tianmin, his wife, during a Bible study session in Langzhong city, according to a July 14 CAA [report](#). Officials accused them of being cult leaders.
- On July 9, officials raided a house church service in Nanyang city, Henan province, and detained 15 house church leaders, according to the July 14 CAA [report](#). Officials released 4 leaders the same day, but placed the remaining 11 in either administrative or criminal detention on charges of engaging in cult activities. As of July 14, all 11 leaders remained in detention.
- On July 11, officials detained Wang Jinhua, a house church pastor, her husband Xu Jinfu, and their 8-year-old son in Jilin city, Jilin province, according to a July 14 CAA [report](#). Officials released the boy to members of Pastor Wang's house church. On July 14, officials transferred Pastor Wang to Baishan Prison in Jilin city, and released

her husband. Public security officials sought Yu Peng, another house church leader, who went into hiding, and questioned at least three other house church leaders in Jilin city about Pastor Wang's relationship with the banned Three Grades of Servants house church. According to CAA, Pastor Wang once was a leader of this house church. In 1999 the Chinese government banned the Three Grades of Servants house church as a cult, according to a July 7 Reuters [report](#) (via ABC News).

- On July 27 officials detained Wu Guilan, an ethnic Mongol missionary who had preached to members of the Mongol ethnic minority in Yijinhuluo banner in the Inner Mongolian Autonomous Region (IMAR) and organized evangelistic activities, and on August 5 officials sentenced her to one year of re-education through labor, according to an August 24 CAA [report](#). The Re-Education through Labor Decision, available with the CAA report, charged Wu with spreading heresies and instigating people "to engage in cult activities."

Adherents of the religious groups that the government labels as "cults" may be prosecuted under Article 300 of the [Criminal Law](#), which punishes the formation of "cults" ("xiejiao," often translated as "evil cults" by official Chinese media sources). Article 300 also punishes the use of such organizations or "superstitions" to violate national laws or to commit certain offenses. A 1999 National People's Congress Standing Committee [Decision on Banning Heretical Sects](#) (in Chinese) further articulates how the government punishes the activities of such groups.

Government classification of a religious group as a "cult" has in the past preceded or accompanied official harassment and legal prosecution against group members. The government has labeled other Protestant house churches as "cults," including the South China Church, the leaders of which were tried and imprisoned, initially on cult charges, as discussed in this January 2002 Christianity Today [article](#). The government has also labeled the [Three Grades of Servants](#) house church a "cult." A court in Heilongjiang province recently tried 17 leaders of the Three Grades of Servants house church for murder and fraud, and on June 28 sentenced several of its leaders to death. Officials have used the same legal classification to persecute such spiritual movements as Falun Gong.

For more information on official treatment of Protestant house churches as "cults," see the [CECC 2004 Annual Report](#), pages 36-37 and pages 43-44. For more information on Protestants in China, see the [CECC 2005 Annual Report](#), Section III(d).

SARA Director Calls for Continued Controls on Religion

Ye Xiaowen, Director of the State Administration for Religious Affairs (SARA), emphasized the importance of government control over religious communities during an interview with the Xinhua news agency reported in a July 21 Xinhua [article](#). Ye focused on future strategies for government control over religion, though such control has been a longstanding policy. According to the article, "[Ye] said one of the key tasks of the [government's] religion departments...is to actively help the religions get adapted to the mainstream of the socialist society. To this end...the government may suggest realistic directions for the religions from a friendly and constructive viewpoint and channel them to take part in the country's construction."

The government will direct religious communities by ensuring that religious leaders provide correct interpretations of religious tenets, Ye said in the interview. "Such explanation will convey positive and beneficial contents to worshippers and direct them to practice faiths rightly," he said. Chinese government interference in the interpretation of religious doctrine takes a variety of forms. For example, the China Islamic Association, the state-controlled association that oversees China's Muslim community, has been compiling [new sermons](#) that reflect the "correct and authoritative" view of religious doctrine in line with state policy. The Islamic Association now requires that Muslims seeking to be qualified as religious personnel know these sermons.

Ye added that the government's religious work "should be done on a legal basis." In 2004, the State Council promulgated a comprehensive national [Regulation on Religious Affairs](#) (RRA). The RRA provides some protections for [recognized religious communities](#) but also codifies control over such communities by mandating government oversight and approval of many activities.

Ye also said that the government will encourage religious communities to take part in social welfare activities. Local religious affairs bureaus recently have reported on government projects to organize charity work by religious communities. See, for example, a June 12 [report](#) from the Guangdong Ethnic and Religious Affairs Commission and an August 10 [article](#) from the Shanghai Ethnic and Religious Affairs Commission. In addition to organizing such activities directly, the government also permits religious communities to organize their own social welfare activities. Article 34 of the RRA provides for such undertakings.

Since the reform era began in the late 1970s, the government has sought to co-opt religious communities to meet state goals and to ensure that religious communities do not challenge state power. As a result, the state has accommodated religion in some respects, though it also [represses religious practice outside of its sanctioned framework](#). Government support for religious charity work also reflects recognition of the role of civil society organizations in providing welfare services that the government cannot provide itself.

For more information on religion in China, see Section III(d), [Freedom of Religion](#), in the CECC 2005 [Annual Report](#).

Court Imprisons One Tibetan Writer, Party Officials Shut Down Another's Blogs

The Intermediate People's Court in Lhasa, capital of the Tibet Autonomous Region (TAR), sentenced a Tibetan teacher and writer to 10 years' imprisonment in September 2005 on charges of "endangering state security," according to a July 25, 2006, Tibetan Centre for Human Rights and Democracy (TCHRD) [press release](#). Chinese security officials detained Drolma Kyab, a middle school history teacher in Lhasa, on March 9, 2005, and the Court sentenced him on September 16. Drolma Kyab was working on unpublished draft commentaries about such topics as Tibetan history, sovereignty, religion, and the location of People's Liberation Army (PLA) bases in Tibetan areas of China, according to the TCHRD release. Official information about the charges against him is not available. If Drolma Kyab wrote about PLA facilities, authorities may have accused him of a criminal offense involving espionage or state secrets ([Criminal Law](#), Articles 110, 111), and court officials may have closed the trial to the public ([Criminal Procedure Law](#), Article 152).

Drolma Kyab's family, residents of Haibei (Tsojang) Tibetan Autonomous Prefecture in Qinghai province, appealed the conviction, according to the TCHRD report, but the TAR High People's Court upheld the verdict on November 30, 2005, and authorities transferred Drolma Kyab to Qushui Prison. An August 3, 2006, Times Online [article](#) reported that Drolma Kyab wrote a letter to the UN Commission on Human Rights explaining the purpose of his writing and appealing for help. In the letter, reportedly smuggled out of Qushui Prison and seen by the Times Online, Drolma Kyab said, "I want to keep up my courage I would like to draw attention to this situation and ask you to help me."

In another development, United Front Work Department officials ordered Tibetcul.net, a Chinese-language Web site registered in Gansu province that focuses on Tibetan culture, to take down two "blogs" (Web logs), according to a Radio Free Asia (RFA) [report](#) on August 1. The blogs were maintained by Oezer (or Woesser, Weise), a popular Tibetan writer and poet. Oezer told RFA during a phone-in radio program that she writes in Chinese because she wants Han Chinese people to "learn the truth about Tibetan history, culture, religion, and traditions." She told RFA, "I think the main reason for shutting my blog was that I placed a photo of His Holiness [the Dalai Lama] in my blog. I also composed a poem wishing him long life on [his birthday]. . . . Chinese authorities don't like such things." The Ministry of Information Industry and the State Council Information Office [promulgated new rules](#) in September 2005 to tighten control over Internet news information services, including electronic bulletin board systems and blogs.

Oezer has written 10 volumes, including a collection of poems, a prose volume entitled Tibet Journal, and two books on China's Cultural Revolution (1966-1976), according to the RFA report. Authorities stripped her of her job, residence, health and retirement benefits, and forbade her to apply for a passport after she published a collection of essays in Guangzhou city, Guangdong province, in 2003, according to an October 2004 Human Rights in China (HRIC) [report](#). The volume, which officials subsequently banned, presented thoughts "relating to Tibet's history, personalities, and way of life." According to HRIC, authorities ruled that positive references to the Dalai Lama were "political errors." The Tibetan Cultural Association in Lhasa, Oezer's employer, assembled a group to conduct "thought correction" with her. She left Lhasa to avoid pressure to recant her views and abandon Buddhism.

See Section III(d) - "Freedom of Religion," [Religious Freedom for Tibetan Buddhists](#), and Section VI - "Tibet," [Tibetan Culture and Human Rights](#), of the [CECC 2005 Annual Report](#) for more information on how Chinese authorities punish Tibetans for peaceful expressions that officials believe could undermine Party rule. For more information about political prisoners in China, including Tibetans, visit the Commission's [Political Prisoner Database](#).

Chinese Authorities Release House Church Filmmaker After 140 Days in Custody

On July 11, Reporters Without Borders [reported](#) that documentary filmmaker and blogger Hao Wu had been released by the Beijing Municipal Public Security Bureau (PSB) after being held for 140 days. The PSB never provided a reason for holding Wu, but at the time he was taken into custody on February 22, Wu was shooting a documentary about China's unregistered house churches, the subject of [frequent harassment and repression by the Chinese government](#). On that day, Wu was supposed to meet with Beijing lawyer [Gao Zhisheng](#), who had [represented unregistered house church members](#) and whom Wu had wanted to include in his documentary. Gao advised against the meeting, according to a July 3 Wall Street Journal (WSJ) [article](#) (subscription required). Two days after Wu was taken away, police removed editing equipment and several videotapes from his apartment, according to the WSJ. While Wu was being held, police interrogated one of his friends multiple times about the source of funding for Wu's film, the WSJ said. Prior to being held, Wu had written on his blog about being confronted by police while filming worshippers at a church.

As was the case with [Yang Tianshui](#) and [Xu Wanping](#), authorities denied Wu access to a lawyer on the grounds that the case involved state secrets, according to a May 17 [blog entry](#) (in Chinese) by Wu's sister, Nina Wu, who advocated on his behalf. Wu was also not allowed to receive visits from relatives. Authorities said that they had placed Wu under "house arrest" but there is no indication that the PSB ever formally arrested Wu.

In a [report on its 2004 mission to China](#), the [UN Working Group on Arbitrary Detention](#) (UNWGAD) identified Chinese authorities' use of "state secrets" exceptions as an area of concern, noting that they improperly interfere with access to defense counsel.

City in Xinjiang Mandates Exclusive Use of Mandarin Chinese in Schools

Schools in Artush city, Xinjiang Uighur Autonomous Region (XUAR), will teach all first grade elementary school classes in Mandarin Chinese beginning in September 2006, according to a July 11 [article](#) in the Xinjiang Daily. Artush is the capital of

the Kizilsu Kirgiz Autonomous Prefecture in the XUAR. The prefectural government and Party committee, which are jointly carrying out the policy, will require all primary and secondary schools to teach exclusively in Mandarin by the year 2012. Since March 2006, teachers in 76 preschool classes in the city have instructed students entirely in Mandarin, the article reported. In Artush, 80 percent of the population is Uighur, Kirgiz make up 12 percent, and Han Chinese almost 8 percent, according to 2001 [statistics](#) available on the Kizilsu Kirgiz Autonomous Prefecture government's Web site.

The article noted that the Artush Education Department has recruited teachers from elsewhere in the XUAR who are fluent in Mandarin to teach in the elementary schools. A number of ethnic minority teachers have asked for leaves of absence to study Mandarin at their own expense, the article reported. The new language policy requires that all elementary school teachers must score a minimum of 6 on the national Mandarin Chinese language test within three years. Secondary school teachers must score a minimum of 7 on the same test.

The stated Mandarin-only focus of the Artush language policy differs from the stated bilingual focus of recent language policies elsewhere in the XUAR. The XUAR government has [expanded its bilingual education program](#) in the past year and [provided monetary incentives](#) for students and teachers to participate in bilingual preschool programs. Bilingual education policy at ethnic minority schools elsewhere in the XUAR, however, has placed primacy on using Mandarin in school rather than promoting both Mandarin and ethnic minority languages.

In June, the XUAR government began recruiting 1,595 "specially appointed teachers" nationwide to take up teaching positions in rural schools in Kashgar, Yili, and other areas, according to a June 14 [article](#) in Xinhua's Xinjiang service. An XUAR official quoted in the article said that the recruitment would address the "tense situation of qualified teachers in rural areas in Xinjiang and raise the quality of rural education." The official noted that there is a shortage of teaching staff in the southern XUAR, and that some areas exceed the quota of minority language-speaking teachers while they are understaffed in Mandarin-speaking teachers. The official added that some schools have a shortage of bilingual teachers who can use both Mandarin Chinese and a minority language. The article did not report whether the specially appointed teachers must have knowledge of ethnic minority languages spoken in the XUAR. It specified only that the teachers should be college and technical school graduates under the age of 30 who have relevant teaching credentials.

Under article 10 of the 1984 [Regional Ethnic Autonomy Law](#) (REAL), ethnic minorities are guaranteed the freedom to use and develop their own languages. In addition, article 37 of the REAL stipulates that "[s]chools (classes) and other educational organizations recruiting mostly ethnic minority students should, whenever possible, use textbooks in their own languages and use these languages as the media of instruction;" it promotes the use of instruction in Mandarin Chinese only in language and literature classes, starting in lower or senior levels of elementary school. Article 22 of the 2005 [Implementing Provisions](#) for the REAL affirms the freedom of ethnic minorities to use and develop their own languages but also "encourages ethnic autonomous areas to gradually adopt 'bilingual teaching.'"

For additional information, see the sections on [Language Policy](#) and [Rights Violations in Xinjiang](#) in the CECC 2005 [Annual Report](#).

Inner Mongolia Government Promotes Mongolian Language

The Inner Mongolia Autonomous Region (IMAR) government has earmarked 10 million yuan for subsidies to reduce educational fees for students who received their high school education in the Mongolian language and continue their schooling at universities in the IMAR, according to a July 23 Xinhua [article](#) posted on the PRC Central Government Web site. The government also has set aside yearly funds to support minority-language teaching materials. According to the article, the IMAR government now has over 1,900 ethnic minority elementary and secondary schools that educate approximately 420,000 students.

The article coincides with other reports from the IMAR on recent measures to encourage use of the Mongolian language, though under strict Party control. The Sin-e Bargu Right Banner (Pinyin: Xinba'erhuyouqi) government announced that it has expanded efforts to promote the Mongolian language, according to a July 24 [article](#) on the IMAR Ethnicities and Religion Web site. The 52 banners in the IMAR are equivalent to county-level governments elsewhere in China. The banner government has established a literature federation with offices under the banner Party committee propaganda department that supervises arts and literature initiatives, including a revival of "Vast Grassland" magazine, which was first published 30 years ago. In addition, in response to requests from herders, the banner government will resume Mongolian-language FM radio broadcasts, the article reported. Banner authorities invested 180,000 yuan in April to prepare the radio facilities, according to the article.

In addition, Ulanhot City has begun examining implementation of the [Regulation on Inner Mongolia Autonomous Region Mongolian Language Work](#), according to a July 17 [article](#) on the IMAR Ethnicities and Religion Web site. Investigation teams have focused on Mongolian language work by Party and government administrative units and have examined the use of Mongolian and Mandarin Chinese in areas including business and transportation, the article reported. The Regulation on Inner Mongolia Autonomous Region Mongolian Language Work entered into force in May 2005. It supports education in Mongolian and provides subsidies, stipends, and scholarships to participating schools and students (Articles 8-12). The Regulation also promotes a subsidy to bilingual workers for their knowledge of Mongolian (Article 17); requires government offices and other work units to increase Mongolian-language translation capabilities (Article 18); and promotes and subsidizes Mongolian-language publications and broadcasts (Articles 26-28). See a related CECC [analysis](#) for more information on the regulation.

While the recent reports indicate some efforts to implement provisions from the IMAR language regulation, it is unclear if the regulation is being implemented consistently throughout the region. Some NGO reporting challenges the notion that authorities are promoting the use of Mongolian in the IMAR. According to a May 22 [statement](#) by the Southern Mongolian Human Rights Information Center submitted to the World Alliance of Mobile Indigenous People, authorities have closed or merged ethnic minority schools as part of efforts to assimilate Mongol populations. Approximately 25 percent of the region's Mongolian population speaks only Mandarin Chinese, according to a 1998 article by anthropologist Naran Bilik on Mongolian language education in the IMAR. Bilik noted at that time that teaching in Mongolian was decreasing in urban areas but that teachers, activists, and officials were undertaking efforts to open more Mongolian schools. (See Bilik, "Language Education, Intellectuals and Symbolic Representation: Being an Urban Mongolian in a New Configuration of Social Evolution," in William Safran, ed., *Nationalism and Ethnoregional Identities in China*, London: Frank Cass, 1998, pp. 47-49, 54).

The recent IMAR measures to promote Mongolian differ from language policy in the Xinjiang Uighur Autonomous Region (XUAR), where authorities have reduced the use of minority languages in preschool, elementary, and secondary schools through [Mandarin Chinese](#) and [bilingual education](#) programs. Authorities in the XUAR also have [reduced opportunities](#) for XUAR residents to receive college and technical education in ethnic minority languages, thereby reducing incentives to receive primary and secondary education in such languages. The XUAR's 1993 [Regulation on Written and Spoken Language Work](#) promotes the use of both ethnic minority languages and Mandarin Chinese, but is not as detailed as the IMAR language regulation. In addition to subsidizing Mongolian-language education, Article 13 of the IMAR regulation encourages the recruitment of students trained in Mongolian for college-level studies, and Article 14 encourages employers to hire graduates who received higher education in Mongolian. The XUAR regulation lacks, in contrast, such specific incentives for students to be educated in minority languages.

Ethnic minorities are guaranteed the freedom to use and develop their own languages by Article 10 of the 1984 [Regional Ethnic Autonomy Law](#) (REAL). In addition, Article 37 of the REAL stipulates that "[s]chools (classes) and other educational organizations recruiting mostly ethnic minority students should, whenever possible, use textbooks in their own languages and use these languages as the media of instruction." Article 22 of the 2005 [Implementing Provisions](#) for the REAL affirms the freedom of ethnic minorities to use and develop their own languages but also "encourages ethnic autonomous areas to gradually adopt 'bilingual teaching.'"

For more information on conditions in the IMAR and language use among ethnic minorities, see Section III(a), "[China's Minorities and Government Implementation of the Regional Ethnic Autonomy Law](#)," in the 2005 CECC [Annual Report](#).

Hebei Officials Detain Unregistered Catholic Clerics and Laypersons

Officials detained at least 2 unregistered Catholic clerics and about 90 Catholic laypersons in Hebei province between July 30 and August 2, according to an August 2 [report](#) of the Cardinal Kung Foundation (CKF), a U.S. NGO that monitors religious freedom in China, and AsiaNews reports of [August 3](#) and [August 11](#).

Authorities detained Yao Liang, unregistered auxiliary bishop of Xiwanzi diocese in Hebei province on July 30, after inviting him to Zhangjiakou city to discuss the restitution of church property, the reports said. Officials also detained and released Li Huisheng, an unregistered priest of the same diocese, on August 1. Catholics who subsequently encountered Father Li reported that he apparently suffered severe physical injuries during his detention. Thereafter, a large group of Catholics protested at a police station and petitioned for the bishop's release. Police dispersed and beat the protestors, injuring two severely enough that they required hospitalization. A pregnant woman protestor reportedly suffered a miscarriage. Officials detained approximately 90 Catholics and detained Father Li again, according to the reports. Wang Zhong, another unregistered Catholic priest from Xiwanzi diocese, has been reported missing, and may have been detained. A Chinese government official later denied that Catholic protestors and police officers had clashed, and also denied that anyone had been arrested or injured, according to an August 3 Reuters [report](#). The official claimed that there had been "a dispute between two different groups of Catholics," and that the Catholics had been "deliberately provocative" and caused "chaos."

According to AsiaNews, the clerics were detained because they had organized a diocesan pilgrimage to Mount Muozhi in Inner Mongolia. The pilgrimage may have been scheduled to occur on or about August 15, when Catholics celebrate the feast of the Assumption of the Blessed Virgin Mary, a major holy day. The Chinese government has prevented other gatherings of Catholic pilgrims, according to previous foreign news reports. In 2004, for example, AsiaNews [noted](#) the Chinese government's continuing efforts to prevent Catholics from making pilgrimages, particularly to [Donglu village](#) in Hebei province.

The Chinese government detains Catholic clerics more often than it detains lay Catholics, and has concentrated its effort to control the unregistered Catholic community on the unregistered Catholic clergy of Hebei province. Thirty-one of 40 Catholics in prison, under house arrest, or under surveillance as of February 2006 were clerics from Hebei province, according to the CKF's list of [Prisoners of Religious Conscience for the Underground Catholic Church in China](#).

Bishop Yao was previously detained in March 2005, according to an April 2005 CKF [report](#). For more information on Bishop Yao, see the CECC [Political Prisoner Database](#). For more information on Catholics in China, see the [CECC 2005 Annual Report](#), Section III(d).

Officials Conclude Investigation, Increase Surveillance Over Activist Fu Xiancai

The official investigation into the [June 8 assault](#) of Three Gorges resettlement activist Fu Xiancai has concluded that his injuries were self-inflicted, according to a July 26 Human Rights in China (HRIC) [press release](#). HRIC reported that the Zigui county Public Security Bureau (PSB) in Hubei province found no footprints other than those of Fu's at the scene of the incident, and that this finding served as the basis for the PSB's decision to drop its criminal investigation. The PSB also cited the medical conclusion of forensic experts who examined Fu's injuries to support its decision to drop the case.

As Fu's condition has improved, PSB officials have continued to monitor Fu's family and associates, and to increase control over information concerning his condition. According to a July 20 HRIC [press release](#), officials have placed Fu's family and friends under surveillance and have increased the number of police officers guarding Fu's hospital room. HRIC reported that Fu cannot receive visitors without prior permission from the Zigui PSB, and that PSB officials limit the number of visitors present, the amount of time they may spend with Fu, and access to Fu's medical records. In addition, the July 26 HRIC press release reported that PSB officials have visited Fu in his hospital room and warned him against filing a new complaint or challenging the PSB's decision not to investigate further.

The conclusion of the investigation, and the increased monitoring of Fu and his associates, follow earlier reports of official harassment targeting Fu as a result of his complaints about resettlement and compensation terms for those displaced by the Three Gorges Dam Project. According to a June 12 HRIC [press release](#), Fu was assaulted and threatened on approximately 10 different occasions in 2005 and 2006, either by the PSB, village officials, or unidentified assailants. In September 2005, village officials assaulted Fu and other petitioners who were on their way to Beijing to petition the central government about their case. Zigui county officials and police officers reportedly watched the assault, but did not intervene, according to the July 26 HRIC press release and the June 12 HRIC press release. The July 26 HRIC press release reported that Jia Li, a senior PSB official who oversaw the recently concluded investigation into Fu's assault, condoned and colluded in previous acts of harassment against Fu.

Government harassment and beatings against Fu and his associates violate Chinese law, and violators may be subject to criminal liability. Chinese citizens are entitled under Article 41 of the [Constitution](#) to criticize, or make suggestions to, any government agency or personnel. Furthermore, "No one may suppress such complaints, charges and exposures, or retaliate against the citizens making them." Article 234 of the Criminal Law provides that any person (whether or not a government official) who causes severe "intentional injury" short of death is punishable by at least 3, but not more than 10, years' imprisonment. In addition, Article 254 of the [Criminal Law](#) provides that government personnel who abuse their power to retaliate against, or frame, a complainant, petitioner, or critic are punishable by criminal detention or imprisonment of not more than two years. Under new [Provisions on the Criteria for Filing Rights-Infringing Dereliction of Duty Criminal Cases](#), issued by the Supreme People's Procuratorate (SPP) on December 29, 2005, and effective July 26, government personnel can be investigated and prosecuted under Article 254 if suspected of abuse of power that results in serious harm to the legal rights of the complainant, petitioner, or critic.

The government has harassed and intensified surveillance of Fu and his associates in response to peaceful activities that are protected under international human rights standards. Article 12 of the [Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#) (also known as the "Declaration on Human Rights Defenders") provides that "everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means," government abuses and violence infringing on citizen rights. The Declaration, [adopted in 1998 by consensus of the UN General Assembly](#), also stipulates that "the state shall take all necessary measures to ensure protection against violence, threats, or retaliation for those who exercise this right." Officials in Zigui have permitted sustained harassment and beatings against Fu and his associates in disregard of these protections.

For additional information on government abuses related to the Three Gorges Dam Project, see the CECC's analysis on [forced evictions and land scandals](#) in late 2005. For information on prosecution of officials who abuse their power, see related CECC analyses on the new [SPP provisions](#) effective July 26, [lenient punishment of officials](#) who committed human rights abuses, and a case in which [local officials were convicted for authorizing shootings](#) of villagers in Shengyou village, Hebei province.

Government Shuts Down Web Site; Chinese Scholars and Activists Respond

The [Beijing Communications Administration](#) (BCA) shut down the "Century China" Web site on July 26, according to a [statement](#) (in Chinese, via Boxun) issued by the Web site's operators. The operators said they received a [notice](#) (reprinted on Boxun's Web site) from the BCA on July 25 that ordered them to shut down the Web site immediately. "Century China," founded in 2000, was a popular Internet discussion forum for commentary on political, historical, and cultural issues, according to an August 1 South China Morning Post (SCMP) article (subscription required). The BCA's notice alleged that "Century China" was providing news illegally on its Web site without a license, in violation of the [Provisions on the Administration of Internet News Information Services](#) (Provisions) and the [Measures for the Administration of Internet Information Services](#).

On August 2, 103 writers, scholars, journalists, and other activists in China and overseas issued a [statement](#) (in Chinese, via China Human Rights Defenders) condemning the shutdown:

People cannot stop expressing their thoughts. Freedom of speech and freedom of the press, whether in

traditional or Internet media, are internationally recognized human rights. Governments have no right to interfere with, or restrict, the media's ability to report the news. Therefore, such systems of suppression violate international norms, the UN's [Universal Declaration of Human Rights](#), and the [Chinese Constitution](#).

The statement also said the shutdown violated Article 35 of the Chinese Constitution, which states that Chinese citizens enjoy freedom of speech and freedom of the press. Among the statement's signers were Independent Chinese PEN Center president [Liu Xiaobo](#), activist and retired Beijing University professor [Ding Zilin](#), and Zhejiang journalist Zan Aizong.

The operators of "Century China" criticized authorities for not clearly indicating what part of the Web site's operations or sections constituted the offering of news information services. "This action, which showed no restraint and did not provide an opportunity for challenge or defense . . . runs counter to the spirit of the rule of law found in modern civilized societies," they said. The operators said the Web site had never offered news content and that they had consulted with authorities in the past to make sure it complied with the law.

The Ministry of Information Industry (MII) and the State Council Information Office (SCIO) promulgated the Provisions in September 2005 to tighten the [government's control over Internet news services](#). The Provisions prohibit the use of the Internet to post or transmit news reports or commentary relating to politics and economics, or military, foreign, and public affairs without a government license. The Chinese government has relied on the Provisions to shut down other Web sites. In March 2006, several groups representing Web sites that had been shut down [petitioned](#) the Chinese government to review the constitutionality and legal validity of the Provisions, arguing that it violated the freedoms of speech and the press granted under the Chinese Constitution and that the SCIO lacked the authority to license news Web sites.

The Chinese government has shut down Web sites and blogs in addition to "Century China" during 2006. Authorities shut down the "Polls" Web site in August and revoked its license after the Web site posted a poll asking visitors whether the General Secretary of the Communist Party should be chosen from among several candidates in differential voting, according to an August 3 Reporters Without Borders [article](#). Authorities also shut down two blogs maintained by the popular Tibetan poet and writer [Oezer](#) (Woeser or Weise) in July, a move Oezer said was in response to her posting a photograph of the Dalai Lama on one of her blogs, according to an August 1 Radio Free Asia [report](#).

The shutdowns are the latest in a series of Chinese government efforts in 2006 to censor information on the Internet:

- On June 28, Cai Wu, Director of the SCIO, said at a meeting that "as more and more illegal and unhealthy information are spread through blogs and search engines, we will take effective measures to put forums, blogs, and search engines under control," according to a June 29 Xinhua article ([English](#), [Chinese](#)).
- In June, authorities shut down two of China's major Internet portals, Sina.com and Sohu.com, for several days to allow the Internet portals to upgrade their censorship capabilities. The move came after authorities found that the Internet portals failed to filter certain key words deemed politically harmful, according to a June 20 SCMP [article](#) (subscription required).
- On February 21, the MII launched a project titled the "Sunshine and Green Internet Project" to "purify" the Internet and mobile communications network environments through a series of measures to be undertaken within a year, according to the June 29 Xinhua article.

State Council Amends Education Law, Bans Arbitrary Fees

The Standing Committee of the National People's Congress (NPCSC) enacted an amendment to the [Compulsory Education Law](#) on June 29, to take effect September 1. Article 2 of the amended law bans authorities from collecting tuition or "arbitrary" fees for compulsory education. But article 61 leaves the definition of such fees unclear, stating that the State Council will issue regulations determining the administration of "arbitrary" fees at a later date. Chinese schools [charge students additional fees](#), ostensibly for school supplies, bedding, uniforms, or other items, to make up for inadequate school budgets resulting from a lack of local revenue.

The amendment follows central government policy statements that make educational fee reform [a top priority](#) for 2006. The December 31, 2005, [Central Party Committee and State Council Opinion on Promoting the Construction of a New Socialist Countryside](#) made the elimination of additional schooling fees for rural students in western China by 2007 a top policy goal. Premier Wen Jiabao and other high-level government officials called for measures to prohibit schools in western China from charging "arbitrary" fees during 2006 and 2007, according to a March 5 China Court Network [article](#). Chinese authorities have pledged to spend an additional 218 billion yuan to improve rural compulsory education before 2011, according to a June 30 China Finance and Economics Daily [article](#) reposted on the Communist Youth League Web site. National authorities have attempted to address problems of corruption and misuse of rural educational funds by establishing a system of special central funds, the details of which are set out in an April 6 [joint circular](#) issued by the ministries of education and finance.

Chinese education officials have suggested these measures will not eliminate "arbitrary" fees in urban areas. Vice Minister of Education Chen Xiaoya said that central authorities would be unable to assume the financial burden necessary to eliminate "arbitrary" fees in urban areas, and called on local authorities to make their own arrangements, according to a June 30 Xinhua [article](#). Vice Minister Chen also noted that relevant laws and regulations allowed local authorities to charge fees for educational materials, textbooks, and (in remote areas) boarding for students.

TAR Party Secretary Accuses the Dalai Lama of Being a "False Religious Leader"

Zhang Qingli, the Communist Party Secretary of the Tibet Autonomous Region (TAR), challenged the Dalai Lama's credibility as a religious leader and dismissed his approach to resolving the Tibetan issue in an interview with the German magazine *Der Spiegel* that was published on August 14. Zhang also defended the record of the Chinese government and the Party on respecting Tibetan Buddhists' right to religious freedom. *Spiegel Magazine*, an Online publication, published an [English translation](#) of the interview on August 16.

Zhang accused the Dalai Lama of being a "false religious leader" who has led Tibetans astray and done "many bad things . . . that contradict the role of a religious leader" since he fled into exile in 1959. He supported this charge by telling *Der Spiegel* that the Dalai Lama's frequent international travel and "so-called official visits" are intended "to form alliances with anti-Chinese forces and to engage in propaganda for his separatist views, which conflict with religion." Responding to a question about his plans to increase [patriotic education](#), which teaches that religion must promote patriotism toward China, Zhang said, "We are organizing patriotic education everywhere, not just in the monasteries. Those who do not love their country are not qualified to be human beings."

Zhang dismissed the Dalai Lama's Middle Way Approach to resolving the Tibetan issue as "splittism," which is a crime under Article 103 of the [Criminal Law](#). The Middle Way Approach proposes that the Chinese government combine all ethnically Tibetan areas of China into a single area that practices "genuine autonomy." Although the Dalai Lama has stated publicly that he is [not seeking Tibetan independence](#), Zhang claimed, "[I]n reality he has not spent a single day not trying to split the motherland."

Zhang told *Der Spiegel* that Chinese policy on religious freedom is "very relaxed" and that people in China are "free to believe or not." He described that choice as a "personal decision" in which the government and Party do not become involved. The exercise of religion by religious communities, however, is subject to government control, as Ye Xiaowen, Director of the State Administration for Religious Affairs, emphasized during an [interview](#) reported in a July 21 *Xinhua* article. Zhang summarized for *Der Spiegel* what he described as government and Party policy on religion: "we cannot have interference from abroad," "[religious communities] must be conducted and managed according to the laws," and, "we show [religious communities] how to become integrated into socialist society." In addition to conforming to policy and laws, Zhang said that the exercise of religion "may not interfere in justice, education, production, and labor." Tibetan monastic institutions traditionally maintain a degree of separation from secular social, educational, and production systems. Zhang did not explain how the government and Party think such institutions can comply with policy and regulations on religion without undermining their religious legitimacy and purpose.

Western news media rarely are granted interviews with serving TAR Party secretaries. Since the Party leadership permitted the interview to take place, Zhang's vigorous challenge to the Dalai Lama's legitimacy as a religious leader likely reflects both the leadership's support for Zhang and the views that he expressed. Zhang has expressed similarly hard line views in recent Party speeches. For example, in a [May 16 speech](#) to Party officials in Lhasa, Zhang said that the Party is engaged in a "fight to the death struggle" against the Dalai Lama and his supporters. He called on government and Party officials to expand patriotic education and strengthen control of [Democratic Management Committees](#) within monasteries and nunneries. Zhang served as [acting TAR Party Secretary](#) between November 2005 and May 2006 and was promoted to Secretary on May 29, according to a *Xinhua* [report](#) dated the same day.

The CECC's [2005 Annual Report](#) observed that the Party does not allow Tibetan Buddhists the freedom to practice their religion in a meaningful way, and instead tolerates religious activity only within the strict limitations imposed under the Chinese government's interpretation of the Constitution, laws, regulations, and policies. See Section III(d) - "Freedom of Religion," [Religious Freedom for Tibetan Buddhists](#), and Section VI - "Tibet," [The Status of Discussion Between China and the Dalai Lama](#), of the CECC 2005 Annual Report for more information on religious practice, and on the Dalai Lama's efforts to move forward in the dialogue with Chinese leaders.

Local Legislative Election Cycle for 2006-2007 Begins Under Strict Party Controls

The government has begun the 2006-2007 round of county and township elections for local people's congresses (LPCs) while maintaining strict Communist Party control over the process and candidates. Officials will hold elections for about 35,400 township LPCs and 2,800 county LPCs between July 1, 2006, and December 31, 2007, according to a July 27 *Legal Daily* [article](#).

Government authorities use detentions and regulatory controls to harass and block independent candidates who wish to compete in the LPC elections. Public security officials took into custody [Yao Lifa](#) and five other independent LPC candidates in Xiantao, Hubei province after they met for lunch on July 27 to discuss their election campaigns and plans to distribute leaflets to voters on electoral fraud, according to [South China Morning Post](#) (subscription required) and [AsiaNews](#) articles dated the same day. Security officials accused them of holding an illegal gathering and later released them. Yao served as an independent LPC delegate in Qianjiang city, Hubei province, from 1999 to 2005, but lost his seat in what he claims was a rigged election. He has continued to compete in local elections and has attempted to advise farmers on how to run lawful campaigns. Yao said that "[t]he [LPC] elections remain under the tight control of authorities, which [have] restricted the media to using only *Xinhua* in coverage of the polls," according to the *AsiaNews* article.

Shenzhen housing rights activist Zou Tao said that a local election official informed him he has no chance of winning a local LPC seat, according to a August 9 *Ming Pao* [article](#). Zou said that authorities have already chosen the heads of the district

government, a local street committee, and the district branch of the All-China Women's Federation to fill 3 out of the 12 LPC seats in his district in advance of the election. Zou, a Communist Party member, is attempting to obtain nomination as an independent candidate. Chinese law permits citizens to seek nomination as an independent candidate if they obtain the signatures of 10 voters and receive the approval of the local election committee. Zou has received 500 signatures, but says that the local election committee is likely to deny his effort to register as an independent candidate because he has been publicly active in challenging government policies. He also said that a local election official told him that because of social stability concerns, candidates who refuse to submit themselves to official controls will not be elected, no matter how much support they enjoy among the public at large.

Local government officials have eliminated proposed amendments to local regulations that would have allowed LPC candidates more flexibility to engage in independent election activities. In May, Guangdong provincial LPC officials submitted proposed amendments to the implementation details for Guangdong LPC elections, according to a May 30 Guangzhou Daily [article](#) (in Chinese) reprinted on the Xinhua Web site. News media reports note that the draft contained language that might have allowed LPC candidates to engage in "self-promotional" activities. But Guangdong provincial LPC officials announced on July 29 that the draft had been resubmitted for consideration with the proposed changes removed, according to a Legal Daily [article](#) dated the same day. Li Mengyu, Deputy Director of the Guangdong Legal Affairs Committee, said that applicable law did not clearly provide for "self-promotional" activities by candidates, that current conditions did not permit such activities, and that permitting them might lead to unspecified negative consequences. The 2004 [Amendments to the Organic Election Law for the National People's Congress and Local People's Congresses](#) allow Party-controlled election committees to [organize events for LPC candidates](#) to meet the voters and respond to their questions, but do not provide for candidates to promote themselves independently.

The amended draft amendments to the implementation details for Guangdong LPC elections also impose additional burdens on migrants seeking to exercise their right to vote in LPC elections. The original draft permitted migrants who had temporarily or permanently moved to Guangdong from their place of hukou (household) registration to vote in Guangdong LPC elections, provided that they first obtained proof of voter eligibility from voter registration officials in their place of hukou registration. The new draft provides that "individuals temporarily working or residing at a place other than the place of their hukou registration should return to their place of hukou registration to register as voters and participate in elections." News media accounts of the new draft regulations do not say whether or not the government has provided voting rights to migrants who have moved permanently to a place other than that of their hukou registration, but who lack a local hukou in their new city of residence. Governments in many urban areas impose strict economic criteria that prevent rural migrants from obtaining local hukou in their new city of residence, regardless of how long they have resided there.

For more information on the Chinese hukou system, see the Commission's [topic paper](#) on the subject, the [chart](#) of various national and provincial hukou reforms through the end of 2004 on the Freedom of Residence [page](#) of the Commission's Web site, the Commission's [2004](#) and [2005](#) Annual Reports, and the Commission's [roundtable](#) on hukou reform. For more information on government controls over local Chinese legislative elections, see Section V(d), on [Democratic Governance and Legislative Reform](#), of the Commission's 2005 Annual Report.

Government Announces Extension of Qinghai-Tibet Railway to Rikaze

Yu Yungui, a senior official in the Rikaze (Shigatse) prefectural government in the Tibet Autonomous Region (TAR), announced that the government plans to extend the Tibet-Qinghai railway westward from Lhasa to Rikaze city, the TAR's second-largest city, according to an August 9 Xinhua [report](#). The extension would total about 270 kilometers (about 170 miles). Yu said that officials expect the project to take three years, suggesting that it would be completed some time in 2009. Jampa Phuntsog (Xiangba Pingcuo), the Chairman of the TAR government, told reporters in March that he expects the railway to reach Rikaze during the period covered by the 11th Five-Year Plan (2006-2010), according to a March 13 China Tibet Information Center (CTIC) [report](#).

The Chinese government also plans to construct railways from Lhasa to Linzhi (Nyingtri, or Nyingchi) prefecture, east of Lhasa, and to Yadong county (Dromo), southwest of Lhasa and near the border with the Indian state of Sikkim, according to a June 29 Xinhua [report](#). The three railway lines extending beyond Lhasa will be complete within 10 years, according to the report. The Chinese government has long planned to extend the railway. A June 2001 Xinhua [report](#) published at the time construction on the Qinghai-Tibet railway began said, "After the project is completed, the railway will be extended to [Rikaze] and Linzhi in Tibet, as well as [to] Yunnan Province."

The Qinghai-Tibet railway [began passenger service](#) in July 2006. Advocacy groups, such as the International Campaign for Tibet (ICT), have [campaigned](#) against the railway over concerns about the railway's potential effects on Tibetan culture and the environment. The Chinese government acknowledged that the Qinghai-Tibet railway has the capacity to result in "an unprecedented mammoth transfer of resources" that would redraw the map of China's economic divisions, according to a March 2001 People's Daily [op-ed](#).

A Canadian company that is conducting studies in Xietongmen (Shetongmon) county, near Rikaze, to develop a copper mining operation has taken the proactive step of permitting TibetInfoNet, an independent information service, to monitor the project and conduct an ongoing impact assessment study, according to a July 5 TibetInfoNet [report](#). The company has not started mining operations yet, and may use the railway to transport ore, but the company "has displayed sensitivity toward the community and the land," according to the report.

Leaders of Banned House Church Convicted and Sentenced for Murder and Fraud

The Shuangyashan Municipal Intermediate People's Court in Heilongjiang province convicted 17 members of the Three Grades of Servants house church on charges of murder and fraud, and defense lawyers said that several confessions were coerced under torture and that the defendants would appeal, according to a July 6 [report](#) of the China Aid Association (CAA), a U.S. NGO that monitors religious freedom in China. The government accused the house church members of murdering 20 members of the Eastern Lightning religious group and of unspecified counts of fraud. The court sentenced three of the leaders to death, three others to death sentences with a two-year reprieve (which usually results in commutation to life in prison), and the remainder to prison terms ranging from 3 to 15 years. Xu Shuangfu, the founder of Three Grades of Servants church, was among those sentenced to death, according to an [article](#) in the Guardian of London. Defense lawyers say that they plan to appeal the judgment, claiming that at least two of the defendants were coerced under torture, and that the evidence presented against the accused was insufficient to convict them, according to CAA reports of July 6 and [March 3](#). (A March 17 CAA [press release](#) reproduces the defense statement.)

In 1999, the Chinese government banned the Three Grades of Servants house church as a "cult" (xiejiao), according to a July 7 Reuters [report](#) (via ABC News). 1999 was the same year that the Falun Gong spiritual movement was banned as a "cult."

An [urgent appeal](#) on behalf of the leaders of Three Grades of Servants by Chinese house church leaders was posted on the CAA Web site, and a November 2004 New York Times [article](#) provides additional information on the Three Grades of Servants house church.

Government Allows North Korean Refugees to Travel Directly to the United States

The Chinese government allowed three North Korean refugees to travel directly from China to the United States in July to seek asylum, according to an August 4 Wall Street Journal [report](#) (subscription required). The three refugees entered the U. S. Consulate General in Shenyang, the capital of Liaoning province, in May by scaling a wall that separates the U.S. facility from the South Korean Consulate, according to a May 20 Associated Press [report](#). The Chinese government's action was the first time North Korean refugees have been allowed to travel directly to the United States to seek resettlement or asylum. In the past, North Korean refugees hiding in China who wished to seek resettlement as refugees or asylum in the United States had to travel to a third country to present their cases to U.S. authorities. In May 2006, for example, six refugees arrived in the United States after traveling secretly through China to seek refuge in the U.S. Embassy in a Southeast Asian country, according to a May 12 Wall Street Journal [report](#). The six refugees were the first North Koreans to be granted asylum in the United States under the [North Korean Human Rights Act of 2004](#).

The Chinese government for many years has forcibly repatriated North Korean refugees facing starvation and political persecution in their homeland, [contravening](#) its obligations under the [1951 Convention Relating to the Status of Refugees and its 1967 Protocol](#). The government classifies all North Koreans who enter China without valid travel documents as illegal economic migrants and claims it must return them to North Korea. The North Korean Penal Code criminalizes defection and crossing the border without government authorization. According to a November 2005 [report](#) released by Anti-Slavery International, Article 233 of the amended Penal Code states that any citizen "who crosses a frontier of the Republic without permission shall be committed to a detention labor facility for up to two years," and Article 62 says that any citizen "who defects to a foreign country or to the enemy in betrayal of the country and the people shall be committed to a reform institution for not less than five years. In cases where the person commits an extremely grave offense, he or she shall be given life imprisonment in a reform institution, the death penalty, or have their property confiscated."

Vitit Muntarbhorn, the UN Special Rapporteur on Human Rights in North Korea [recognized](#) in a 2005 [report](#) that North Koreans who have crossed the border into other countries for reasons of livelihood are refugees *sur place*, or those who may not have met the definition of a refugee when they left their country of origin, but can be categorized as refugees at a later date. According to Muntarbhorn, those fleeing from North Korea are those "who did not leave their country of origin for fear of persecution, but who fear persecution upon return." The Chinese government refuses the UN High Commissioner for Refugees (UNHCR) access to North Korean refugees, and Chinese security forces who guard foreign embassies in Beijing drive away North Koreans who try to present refugee petitions or seek asylum, according to a July 27, 2005, Reuters report posted on the [Crossing Borders](#) Web site.

For more information on [North Korean Refugees in China](#), see Section VII of the CECC's 2005 [Annual Report](#).

Official Evaluates Regional Ethnic Autonomy in Inner Mongolia

Ismail Amat, Vice Chairman of the National People's Congress Standing Committee (NPCSC), praised the Inner Mongolia Autonomous Region (IMAR) government for its successes in advancing the ethnic minority autonomy system and implementing the [Regional Ethnic Autonomy Law](#) (REAL), according to a July 17 [report](#) from the State Ethnic Affairs Commission Web site. He added that the IMAR should serve as a model for other ethnic minority autonomous regions. The article did not detail concrete measures undertaken in the region to realize ethnic autonomy but rather made a connection between economic development achievements in the IMAR and the promotion of regional ethnic autonomy. Amat's remarks came while he was visiting the IMAR to inspect the REAL's implementation there. Since July, the NPCSC [has been examining the REAL's implementation throughout China](#). NPCSC members also gave positive evaluations of regional ethnic autonomy implementation in autonomous prefectures in Gansu and Guizhou provinces during inspections there in mid- and late July,

and called for further work to implement regional autonomy, according to a July 24 [article](#) on the NPC Web site and a July 27 Gansu Daily [article](#).

Despite the officials' positive evaluations, and despite some recent reported efforts to [promote ethnic minority language usage](#), authorities continue to take measures that undermine meaningful autonomy. For example, in the past year, authorities in the IMAR [closed Mongolian Web sites](#) and [tried a Mongol couple who practiced traditional Mongolian medicine](#). Ethnic Mongol bookstore owner Hada continues to serve a 15-year prison sentence for the crimes of "splittism" and "espionage," based on peaceful protests for ethnic rights that he organized in the IMAR capital of Hohhot.

For more information on ethnic minority autonomy in China, see Section III(a), "[China's Minorities and Government Implementation of the Regional Ethnic Autonomy Law](#)," in the 2005 CECC [Annual Report](#).

Henan to Use Same Compensation Standards for Urban Residents, Qualified Migrants

The Henan High People's Court (HPC) issued an opinion in June that requires courts to use urban compensation standards for personal injury cases involving qualified rural migrants living in cities, according to a June 23 Xinhua [article](#) (in Chinese). Article 15 of the opinion provides that compensation for injured rural migrants who have a "regular place of residence in the city" and whose "main source of income is earned in the city" must be calculated using the same standards as for urban residents.

The Henan HPC opinion seeks to address [discrimination suffered by rural migrants](#) who have resided for many years in urban areas but who lack local hukou (household registration) in their urban place of residence. Article 29 of the [2003 Supreme People's Court's Judicial Interpretation Regarding Compensation Cases for Personal Injuries](#) says that courts must set compensation for deaths in personal injury cases at 20 times "the per capita annual disposable income of urban residents or the per capita net income of rural residents in the jurisdiction where the case is heard." These two measures differ substantially. For example, the national per capita annual disposable income of urban residents was 9,422 yuan in 2005, while the national per capita annual net income of rural residents was 2,936 yuan, according to the Chinese government's [2005 Work Report](#). Courts and parties to personal injury disputes have applied this standard to cases in both [Chongqing](#) municipality and [Hunan](#) province to reduce the amount of compensation awarded to the families of migrants injured or killed in accidents who lack local hukou despite having resided in urban areas for long periods of time. The Henan HPC opinion would allow at least those families and victims who meet the designated criteria of a "regular place of residence in the city" and a "main source of income is earned in the city" to be compensated for injuries using the same standards applied to urban hukou holders.

Other courts and legislative bodies are considering directives similar to the Henan HPC opinion. The Supreme People's Court is currently accepting suggestions for a new judicial interpretation on compensation for accidental injury and death, according to a July 5 Workers Daily [report](#), posted on the China Legislative Information Network System Web site (in Chinese). The Anhui High People's Court has issued rules stipulating that injury or death compensation for minors who hold a rural hukou but attend school and live in urban areas shall be computed using the urban standard, according to an April 21 Sichuan Daily [article](#) (in Chinese). The Guangxi regional government's Legislative Affairs Office (LAO) is considering new legislation on accidental injury and death compensation, according to a June 21 Xinhua [report](#) (in Chinese). The Guangxi LAO is deliberating whether or not to apply urban compensation standards for all who are injured or killed in traffic accidents, or whether to limit urban compensation amounts to urban residents and rural residents who have lived in urban areas for one or more years and have a "stable place of residence." The Chongqing High People's Court is currently soliciting comments on a draft guiding opinion that stipulates that rural hukou holders who are disabled or killed in a traffic accident may be compensated according to urban standards if they meet certain criteria on income, ownership of housing, or length of residence in an urban area, according to a June 23 Xinhua [article](#) (in Chinese).

Local Chinese authorities have announced a series of limited hukou reforms in recent months. In June, the Henan provincial government announced that it would implement a pilot program abolishing agricultural hukou in seven cities, according to a June 20 Xinhua [article](#) (in Chinese). In May, Zhejiang provincial Party and government officials announced that they would attempt to abolish distinctions between agricultural and non-agricultural hukou by the end of 2007, according to a May 5 Beijing News [article](#) (in Chinese). Xi'an municipal authorities launched a three-year program on January 1, 2006, to abolish distinctions between agricultural and non-agricultural hukou, according to a March 7 Beijing News [article](#) (in Chinese). The Xi'an reforms also call for the implementation of an "access system" that will determine who may obtain a local hukou, based on whether or not a person has a "lawful and stable place of residence" and "lawful and stable profession." Recent reforms to abolish agricultural/non-agricultural hukou distinctions are limited in nature. They do not abolish hukou identification entirely. Migrants must still obtain local hukou in a given urban area to receive public services such as healthcare and education for their children on an equal basis with other residents. But since many local governments have set stringent economic criteria for qualifying for local hukou, poor migrants may reside in urban areas for many years but be unable to obtain a local hukou or urban public services.

For more information, see the Commission's [topic paper](#) on the subject, the [chart](#) of various national and provincial hukou reforms through the end of 2004 on the Freedom of Residence [page](#) of the Commission's Web site, the Commission's [2004](#) and [2005](#) Annual Reports, and the Commission's [roundtable](#) on hukou reform.

SARA Director Pledges to Resolve Issues of Concern to Orthodox Christians

Ye Xiaowen, Director of the State Administration for Religious Affairs (SARA), pledged "to resolve issues of concern" to Orthodox Christians during a July 4 meeting in Moscow with Russian Patriarch Alexei II, according to a July 7 South China Morning Post (SCMP) [report](#) (subscription required). Ye also assured Patriarch Alexei that the Chinese government is about to resolve the matter of building or restoring an Orthodox church on the grounds of the Russian Embassy in Beijing, according to Interfax reports of [July 5](#) and [August 14](#). The project has been delayed several times, according to a May 31 AsiaNews [report](#). The Russian Orthodox Church has urged the Chinese government to permit Chinese Orthodox to practice their faith more freely.

The SCMP reported that Ye Xiaowen emphasized to Patriarch Alexei that an Orthodox Church in China would have to be self-governing, self-supporting, and self-propagating (that is, the government would not permit organizational ties to Orthodox Churches outside China). This would be in accord with government policy expressed in the Regulation on Religious Affairs (issued July 2004, effective March 2005, [translation available](#) on the Web site of China Elections and Governance) and applied to the five officially recognized religions (Buddhism, Catholicism, Daoism, Islam, and Protestantism). In the past, the central government has refused to grant official status to Orthodox Christianity, but local authorities have registered Orthodox communities in the cities of Harbin in Heilongjiang province, Labdarin in Inner Mongolia Autonomous Region, and Ghulja and Urumqi in Xinjiang Uighur Autonomous Region. (For information on provincial-level regulations that recognize the Orthodox Church, see the section on "China's Five Official Religions" in a related [CECC analysis](#).) The SCMP reported that SARA has established an office of Orthodox affairs and that Chinese authorities have insisted that Chinese priests must be ordained by Chinese bishops (presently there are no Chinese Orthodox bishops). According to a July 6 AsiaNews [report](#), 13 Chinese Orthodox students are studying for the priesthood in seminaries in Moscow and St. Petersburg. Chinese Orthodox currently have no priests and no bishops and can meet only for prayer services and not divine liturgy.

An Orthodox church in Harbin city, Heilongjiang province will be rebuilt with support from private investors who will use the church to house an exhibit of Russian art and crafts, according to a July 6 Northeast [report](#) (in Chinese). The Russian Orthodox Church estimates that about 12,000 Chinese citizens are Orthodox Christians. Many are of Russian or mixed-Russian descent. Foreign nationals who are Orthodox Christians generally attend services in foreign embassies and consulates. The Chinese government discourages Chinese citizens from attending these services.

For more information on Orthodox Christians in China, see the [CECC 2005 Annual Report](#), Section III(d).

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