

# China Human Rights and Rule of Law Update

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## United States Congressional-Executive Commission on China

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

### Message from the Chairman

#### Seventeenth Anniversary of Tiananmen

Seventeen years after the world witnessed the devastating events in and around Tiananmen Square, we remember the courage of the students and workers who peacefully exercised their rights to freedom of expression and assembly. Today, Chinese citizens are turning to the law to assert their rights and speak out against government abuses. They do so in the tradition of those who gathered at Tiananmen, appealing to their leaders through peaceful means for the ability to enjoy rights protected by the Chinese Constitution.

The Congressional-Executive Commission on China remains hopeful that this type of positive change will continue to grow. But developments over the past year undermine the government's stated commitment to build a fair and just society based on the rule of law. New government rules published this year punish lawyers who defend politically sensitive cases. Chinese citizens, like Chen Guangcheng and Guo Feixiong, have faced harassment and imprisonment for legal challenges against government abuses. Political change is complex and imperfect, but China's leaders must take steps to build a more open and participatory society, and the United States must continue to assist in that effort.

## Announcements

### Roundtable: Political Change in China? Public Participation and Local Governance Reforms

The Congressional-Executive Commission on China held another in its series of staff-led Issues Roundtables on April 11 entitled [Political Change in China? Public Participation and Local Governance Reforms](#). The panelists were [Merle Goldman](#), Professor Emerita of Chinese History, Boston University and Executive Committee Member, Fairbank Center for East Asian Research, Harvard University, [Joseph Fewsmith](#), Director of East Asian Studies Program and Professor of International Relations and Political Science, Boston University, and [Xie Gang](#), Former Senior Program Officer, Law and Governance Programs, Asia Foundation.

### Translations: Party and Government Regulation of Civil Society

Government control over the economic and social life of Chinese citizens has receded since the late 1970s, but authorities continue to restrict the development of an independent civil society. The Commission has prepared English translations of five Ministry of Civil Affairs (MOCA) documents establishing these controls. These and other resources are available at: [www.cecc.gov/pages/virtualAcad/CivilSociety/index.php](http://www.cecc.gov/pages/virtualAcad/CivilSociety/index.php).

- [Circular on Problems Related to the Creation of Party Organizations in Social Organizations](#), issued jointly by MOCA and Communist Party Central Committee Organization Department in 1998.
- [Temporary Measures on the Suppression of Illegal Civil Society Organizations](#), issued by MOCA in 2000.
- [Circular on Suppressing Illegal Social Organizations](#), issued by MOCA in 1997.
- [Circular Regarding Who May Serve as a Sponsor Organization](#), issued by MOCA in 2000.
- [Reply to the Question of Whether Democratic Parties Can Be Sponsor Organizations](#), issued by MOCA in 2000.

### Translations: Government Regulation and Industry Self-Regulation of the Legal Profession

The Party's goal of maintaining social harmony and stability has dominated its policy statements in 2006, and served as justification for increasing barriers to legal enforcement of citizen rights. The Commission has prepared English translations of documents from the government and the All China Lawyers Association (ACLA) that establish prohibitions and punishments against lawyers.

- [Opinion Regarding the Further Strengthening of Guidance Over Lawyers Handling Major Cases](#), issued by the Nantong Municipal Justice Bureau, in Jiangsu province, in 2004.
- [Guiding Opinion of the All China Lawyers Association Regarding Lawyers Handling Cases of a Mass Nature](#), distributed by the ACLA on March 20, 2006.

## Update on Rights and Law in China

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### **Rebiya Kadeer's Children Held in Custody, Beaten**

Authorities in Urumqi, the capital of the Xinjiang Uighur Autonomous Region (XUAR), held in custody Alim Abdurehim, Ablikim Abdurehim, and Roshangul Abdurehim, who are grown children of Uighur activist Rebiya Kadeer, on May 30, according to a June 1 [press release](#) from the Uyghur Human Rights Project (UHRP). Officials held the three in custody to prevent them from meeting with a U.S. Congressional staff delegation visiting the XUAR, UHRP reported. The following day, authorities placed the three under house arrest, according to a June 1 [report](#) from Radio Free Asia (RFA). On June 1, police officers beat Alim and Ablikim Abdurehim, resulting in Ablikim's hospitalization, according to the reports. Other members of Kadeer's family also have been placed under surveillance, the articles reported. The events follow a [pattern of harassment](#) against Kadeer's family in the XUAR since her release from prison in 2005 and subsequent relocation to the United States.

An official from the Xinjiang Public Security Bureau claimed no knowledge of the situation in a May 31 Agence-France Presse [report](#) (via Yahoo), but on June 1, Tianshan Net, an official Chinese media Web site in the XUAR, posted a [report](#) on Kadeer's children. According to the report, public security officials questioned the three on May 31, and when Alim Abdurehim's attitude became "overbearing," authorities were "no longer able to carry out normal questioning." The article then reported that authorities held under criminal detention Alim and Ablikim Abdurehim "in accordance with the law" on June 1, and placed Roshangul Abdurehim under house arrest. The Tianshan account tied the initial police questioning to financial crimes that XUAR authorities claim Kadeer and her family committed while operating the Akida Trading Company.

For more information, see related CECC analyses about other cases of harassment against Kadeer's [family members](#) and [employees](#), and about Chinese government [accusations against Kadeer](#). See also the sections on [Rights Violations in Xinjiang](#) and [Religious Freedom for China's Muslims](#) in the 2005 CECC [Annual Report](#).

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### **Beijing Court Schedules Trial of New York Times Researcher Zhao Yan For June 8**

Chinese authorities have set a preliminary date of June 8 to try Zhao Yan, a researcher at the New York Times Beijing bureau, according to a May 27 Reuters [article](#). Authorities originally detained Zhao in 2004 for disclosing state secrets, a charge that both Zhao and the New York Times have denied. They subsequently charged him with both fraud and revealing state secrets in 2005.

Authorities have used provisions in Chinese law to hold Zhao Yan since September 2004 without trial:

#### *Deadline for Law Enforcement to Complete Its Investigation*

Officers from the Ministry of State Security [detained](#) Zhao on September 17, 2004, and authorities formally arrested him on October 20, 2004 for "providing state secrets to foreigners." After investigating Zhao for seven months, Beijing police claimed in June 2005 that they found new evidence of fraud against him, according to a June 1, 2005, Reuters [article](#). Later that month, the Ministry of Foreign Affairs [confirmed](#) that on May 20, 2005, security officials had completed their investigation and transferred Zhao's case to the Beijing procuratorate for prosecution on two separate charges of providing state secrets to foreigners and fraud.

Under Articles 124, 126, and 127 of the [Criminal Procedure Law](#) (CPL), investigators have the authority to hold a suspect for a maximum of seven months after his formal arrest. However, Article 128 of the CPL allows investigators to restart the clock if they find evidence of "other major crimes." The law does not limit the number of "new crimes" that investigators may assert. In practice, suspects may therefore be held in pretrial detention for years.

#### *Deadline for the Procuratorate to Issue an Indictment*

In May 2005, the Beijing procuratorate began examination of the investigation files. On December 23, 2005, it [issued an initial indictment](#) against Zhao for revealing state secrets and fraud. The indictment came two weeks after Reporters Without Borders [awarded](#) Zhao its [2005 Fondation de France Prize](#).

Under Articles 138 and 140 of the CPL, the procuratorate may hold a suspect for a maximum of 6.5 months after the investigation has ended, if the case requires supplementary investigation. At the end of this period, the procuratorate must decide whether or not to issue an indictment.

#### *Deadline for the Court to Commence Trial Proceedings*

On March 17, 2006, about a month before Chinese President Hu Jintao was scheduled to visit the United States and meet with U.S. President George W. Bush, the Beijing procuratorate received permission from the court to withdraw its case, according to a March 22 New York Times [report](#) (registration required). The New York Times reported that Zhao's trial had

already been postponed once and was scheduled to begin no later than March 20. But on March [22](#) and [23](#), the Voice of America reported (in Chinese) that the Beijing No. 2 Intermediate People's Court sent a letter to Mo Shaoping, Zhao's lawyer, to inform him that it had approved a procuratorate request to drop the charges against Zhao. The March 22 report quoted Mo 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 added that under Chinese law, authorities should have released Zhao at that time.

Chinese authorities continued to hold Zhao, however, and a May 16 New York Times [report](#) (registration required) noted that the procuratorate issued a new indictment against Zhao on May 12, three weeks after President Hu's meeting with President Bush. The New York Times [reported](#) (registration required) on May 21 that the new indictment "reinstated the old charges against Mr. Zhao word for word, charge for charge." On May 15, Mo [told](#) Radio Free Asia (RFA) that the new case would also be heard by the same judges at the Beijing No. 2 Intermediate People's Court. Mo added 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." The RFA [report](#) (in Chinese) said that as of May 15, Mo still had not seen the new indictment and did not know what evidence or charges formed the basis for the procuratorate's new case against his client.

Under Articles 165 through 168 of the CPL, the procuratorate may request postponement of trial proceedings if it requires more time to investigate the case. Trial proceedings may be postponed for a maximum of seven months from the date of the initial indictment. However, under Article 143 of the CPL, if the procuratorate decides to withdraw its case, the suspect must be "released immediately."

For additional information about Zhao's case, see the CECC's analysis of his [detention](#) and [initial indictment](#). See also the CECC's analysis of [international and domestic scrutiny](#) of his case.

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## Hong Kong Newspaper Highlights Government Repression of Lawyers

The Hong Kong newspaper Ming Pao published a series of articles on May 18 that highlight the Chinese government's repression of lawyers who engage in criminal and civil rights defense. An article entitled [Rights Defense Lawyers Are Bound and Gagged; New Industry Regulations Restrict the Acceptance of Requisitioning and Eviction Cases](#) criticizes the new [guiding opinion from the All China Lawyers Association](#), which restricts lawyer involvement in "mass" cases. The newspaper's May 18 [China Commentary](#) analyzes the Chinese leadership's emphasis on development of the rule of law and the legal system, as well as its scrutiny of the "rights defense movement" as a "movement of dissent." Finally, in an article entitled [Litigating for the Disadvantaged, Over 100 Encounter Suppression](#), Ming Pao reports that since 1995, the Chinese government has suspended, arrested, indicted, or convicted over 100 lawyers as a result of their criminal and civil rights defense work. The third article identifies [Zheng Enchong](#), [Zhu Jiuhu](#), [Gao Zhisheng](#), and [Guo Feixiong](#) as four legal advocates who have been subject to government repression despite the [peaceful nature](#) of their legal advocacy.

The Hong Kong periodical Asia Weekly published an article in December 2005 on [China's Rights Defense Lawyers and Rule of Law Pioneers](#) (in Chinese) and listed 14 "Icons of 2005" who "defy force, use constitutional law as their weapon, and leverage the strength of the Internet in order to safeguard the constitutionally-protected rights of China's 1.3 billion citizens and to promote Chinese democracy and construction of the rule of law." Since 2005, most of these prominent legal advocates and scholars have been placed under surveillance or other government restrictions. The Asia Weekly list includes the four legal advocates whose names appear in the Ming Pao article.

### *"Icons of 2005" Subject to Surveillance or Other Government Restrictions*

- [Chen Guangcheng](#). Authorities in Linyi city, Shandong province, placed legal advocate [Chen Guangcheng under house arrest](#) from September 6, 2005, to March 11, 2006, for exposing and challenging the abuses of local population planning officials. Authorities subsequently detained him for 37 days, before moving him to a government-monitored location to await trial, according to an April 21 [update](#) by the Network of Chinese Human Rights Defenders.
- [Fan Yafeng](#). Associate Professor Fan Yafeng of the Institute of Law, at the Chinese Academy of Social Sciences (CASS), received an invitation to attend a U.S. summit on "Freedom in China" in early May 2006. Leaders at CASS intentionally kept him from traveling to the U.S. to be at the event, according to a May 2 Radio Free Asia (RFA) [article](#) (in Chinese).
- [Gao Zhisheng](#). Justice bureau officials in Beijing [shut down Gao Zhisheng's law firm](#) in November 2005, after his refusal to withdraw an open letter to President Hu Jintao and Premier Wen Jiabao regarding the persecution of Falun Gong practitioners. Public security officials have conducted a continuing campaign of [harassment and repression against Gao, his family, and various associates](#), and prevented him from attending the U.S. summit on "Freedom in China" in early May, according to RFA.

- [Guo Feixiong](#). Guangdong provincial officials [charged Guo Feixiong](#) with "gathering people to disturb public order" and detained him from September through December 2005 for advising residents of Taishi village, Guangdong, in their [recall campaign](#) against an allegedly corrupt village committee head. Officials ultimately [released](#) Guo and dismissed all criminal charges against him.
- [Guo Guoting](#). Shanghai lawyer Guo Guoting has resided in [Canada since mid-2005](#), after Shanghai public security officials placed him under [house arrest](#) in March and justice bureau officials [suspended his law license](#) in February of the same year. The Shanghai Justice Bureau reportedly accused him of "adopting positions and making statements contrary to the law and the Constitution" and "defiling and slandering" the Communist Party and government. Guo has defended journalists, Falun Gong practitioners, and other activists. He has also defended Zheng Enchong (see below), a fellow Shanghai lawyer and advocate on behalf of evicted Shanghai residents.
- [Li Baiguang](#). Li Baiguang is a democracy activist who has advocated on behalf of farmers and on the issue of village elections. In January 2006, police and plainclothes security officers raided a prayer meeting that he attended and physically assaulted Li, according to [Gao Zhisheng's account](#) of the incident (via the China Aid Association). Li attended the U.S. summit on "Freedom in China" and a meeting with U.S. President George W. Bush in early May 2006. One day after the meeting with President Bush, the China Graduate School of Theology in Hong Kong cancelled a planned visit by Li and others, raising concern about possible self-censorship by religious groups in Hong Kong, according to a May 16 Christian Post [article](#).
- [Li Heping](#). Plainclothes security officers physically blocked Li Heping, who has advised and represented a number of activists including Gao Zhisheng, from meeting with Gao on March 10, according to a colleague's [account](#) of the incident (in Chinese, via Boxun).
- [Xu Zhiyong](#). Unidentified assailants [attacked a group of lawyers](#) that included Xu Zhiyong, after the lawyers attempted to visit Chen Guangcheng while he remained under house arrest on October 4, 2005. Officials then brought the lawyers to the local police station for interrogation and released them on October 5.
- [Zhang Xingshui](#). Beijing lawyer Zhang Xingshui received an invitation to attend the U.S. summit on "Freedom in China" in early May 2006, but prior to his anticipated departure, court officials notified him of court appearance dates that conflicted with the summit dates. Zhang was unable to travel to the U.S. to attend the event due to his obligations to clients, according to RFA.
- [Zheng Enchong](#). Shanghai lawyer and property rights advocate Zheng Enchong is serving a three-year sentence for "illegally providing state secrets to entities outside of China" and is [due for release on June 5, 2006](#). In July 2001, the Shanghai Justice Bureau revoked Zheng's license to practice law after he advised more than 500 households displaced by Shanghai's urban redevelopment projects on their rights to government compensation. In May 2003, the month before public security officials detained Zheng, a group of Shanghai residents who were advised by Zheng attempted to bring a lawsuit and alleged that corrupt officials colluded with a prominent Shanghai property developer to deprive them of compensation funds for their demolished homes. While in prison, [officials have barred Zheng from seeing or speaking to family members](#). A May 18, 2006, Human Rights in China [report](#) noted that Shanghai public security officials continue to harass Zheng's family.
- [Zhu Jiuhu](#). In 2005, Zhu represented a group of private oil investors who attempted to negotiate with local officials over compensation for government seizure of their oil fields. Public security officials in Shaanxi province [detained](#) and ultimately [convicted](#) Feng Bingxian, the group's spokesman, [charging that he had "gathered people to disturb public order" and obstructed the work of government agencies](#) by bringing too many investor representatives to meet with the government. Officials [detained](#) Zhu in May 2005 for his role in advising the investors, and [released](#) him in September on orders not to leave Beijing or accept interviews from the news media.

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## ACLA, Justice Bureau Opinions Restrict Lawyer Involvement in Sensitive, Mass Cases

The All China Lawyers Association (ACLA) has issued a guiding opinion that restricts and subjects to punishment any lawyer who gets involved in a "mass" case, according to a May 17 Xinhua [article](#) (in Chinese). The ACLA Executive Council approved the [Guiding Opinion of the All China Lawyers Association Regarding Lawyers Handling Cases of a Mass Nature](#), which went into effect on March 20. The Guiding Opinion defines "mass" cases as those that involve representative or joint litigation by 10 or more litigants, or those in which the matter is handled through a series of litigation and non-litigation efforts. It notes that mass cases "more commonly occur in the safeguarding of rights and interests related to land

requisitioning and levying of taxes, building demolitions, migrant enclaves, enterprise transformation, environmental pollution, and rural laborers, among other areas." The Guiding Opinion instructs law firms to assign only "politically qualified" lawyers to conduct initial intake of these cases, and to obtain the approval of at least three partners before taking them on. Lawyers who handle mass cases must "promptly and fully communicate" this information to the local justice bureau, accept supervision and guidance by judicial administration departments, attempt to mitigate conflict, and propose mediation as the method for conflict resolution. The Guiding Opinion says that local lawyers associations may sanction any lawyer or law firm that fails to follow these guidelines and causes a "negative impact," or report them to the relevant judicial administration department for punishment.

The Guiding Opinion is one in a series of recent opinions that restrict the participation of lawyers in specific categories of rights defense work. In addition to "mass" cases, other categories that trigger restrictions include "major," "difficult," and "sensitive" cases. For example, the Henan Provincial Justice Bureau and Shenyang Municipal Justice Bureau (in Liaoning province) have each issued opinions governing the range of activities permitted in "sensitive" cases, according to an April 10 Henan Daily [report](#) (in Chinese, via Xinhua) and April 19 Legal Daily [report](#) (in Chinese). The language in these opinions echoes language in a 2004 [Opinion Regarding the Further Strengthening of Guidance Over Lawyers Handling Major Cases](#), issued by the Nantong Municipal Justice Bureau in Jiangsu province, which defines "major" cases as:

- Cases that involve state politics or social stability.
- Cases that are sensitive or followed with interest by society.
- Cases that are relatively complex or in which the legal boundaries are unclear.
- Cases that involve litigation by a group of 10 or more.
- Cases that intend to present a defense of not guilty.

According to an April 24 Xiaoxiang Morning Post [article](#) (in Chinese, via ACLA), the focus on "sensitive" cases reflects the government's concern about disputes that are expansive and have a major impact on society, particularly those involving "the people vs. the state." Both the Henan and Shenyang opinions include barriers that go beyond the Guiding Opinion, to limit the scope of what lawyers can do when defending the rights of a client in a sensitive case. Lawyers in Shenyang are subject to oversight and must seek instruction from the Shenyang Justice Bureau before they handle any "major, difficult, and sensitive" cases, according to Legal Daily. The Henan Daily report notes that [lawyers in Henan are subject to restraints on their freedom of expression](#) and are prohibited from "using the media to stir things up or create a negative impact on domestic or international public opinion."

The ACLA and local justice bureau opinions are part of an ongoing reversal of Ministry of Justice (MOJ) [statements in 2005](#), which emphasized reforming China's legal system to improve conditions for lawyers. In 2005, the MOJ called for revising the Lawyers Law to "further strengthen lawyers' representation and defense work in litigation matters, improve the environment and conditions for lawyers to participate in litigation, [and] prompt lawyers to take initiative when engaged in defense and representation tasks." In 2006, the MOJ's [Report on the Policy for Development of China's Legal Profession](#) did not contain any language about improving the environment for the practice of law, nor did it encourage lawyers to take any initiative in their work. Instead, it firmly established the "guiding" role of the MOJ and emphasized that lawyers must "serve economic development and [the policy of] reform and opening" and "serve the harmony and stability of society."

The Party's goal of maintaining social harmony and stability has dominated policy statements in 2006, and served as justification for the government to increase barriers to legal enforcement of citizen rights. In January 2006, the Ministry of Public Security (MPS) [reported a rise in public order disturbances in 2005](#), reflecting a general increase in social unrest in China. MPS leaders urged the nation's public security agencies to "[strike hard](#)" against rising social unrest, and warned that China continues to face internal conflicts, high crime rates, and struggles against unnamed "enemies." In February 2006, the Guangdong Public Security Bureau circulated a report that [blamed a succession of mass protests in 2005 on "disputes over so-called rights defense"](#) and accused "hostile forces" of politicizing and inciting the masses over issues of farmer and consumer economic rights. Local justice bureaus in Henan and Shenyang, as well as in Beijing and Shanghai municipalities, have now joined public security bureaus in [restricting and punishing lawyers](#) who participate in rights defense on behalf of high-profile individuals or groups. Beijing authorities have forced lawyers such as [Gao Zhisheng](#) and [Zhu Jiuju](#) to abandon their legal work in certain sensitive cases, including a major land dispute in which thousands of private investors sought compensation for government seizures of land. In early 2005, Shanghai authorities [suspended Guo Guoting's license to practice law](#), and in 2003, they convicted [Zheng Enchong](#), Guo's client and a fellow lawyer who drew government attention for advocating on behalf of evicted Shanghai residents. Prohibitions and punishments against lawyers who participate in rights defense, particularly the defense of citizen rights against government abuses, have disregarded the [peaceful nature](#) of their legal activities and made it difficult for citizens with major grievances to access legal representation.

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## Henan Justice Bureau Bans Lawyers From Using Media in Sensitive Cases

The Henan Justice Bureau has issued an opinion that bans lawyers from using the media and engaging in various other activities when handling "major, sensitive, mass" cases, according to an April 10 Henan Daily [report](#) (in Chinese, via Xinhua). The opinion states that lawyers in Henan province cannot "use the media to stir things up or create a negative impact on domestic or international public opinion." It prohibits lawyers and law firms from publishing commentary to

impact the outcome of a case or the mood of the public, and warns them not to establish contact with overseas organizations or media in violation of disciplinary rules. The Henan opinion comes at a time when other institutions, including the All China Lawyers Association (ACLA), have also issued [guiding opinions to restrict lawyer involvement in sensitive or mass cases](#).

The Henan Justice Bureau lacks the authority to prohibit lawyers from exercising their freedom of expression, which is a political right recognized under China's Constitution and national laws. Under Article 35 of the [Constitution](#), Chinese citizens enjoy freedom of speech and of the press. The [Criminal Law](#), which establishes a criminal punishment of "deprivation of political rights," includes in its identification of political rights "the rights of freedom of speech [and] of the press." Based on the foregoing, Chinese lawyers have a constitutionally protected right to express their legal opinions through the press, including their opinions on sensitive cases or in relation to government abuses of power. Under Article 8(v) of the [Legislation Law](#), only the National People's Congress and its Standing Committee have the authority to enact legislation that deprives a Chinese citizen of their political rights. Government agencies such as judicial administration departments lack the authority to adopt a rule to this effect.

The Henan opinion also violates international standards, including the [International Covenant on Civil and Political Rights](#) (ICCPR). China has [signed](#) the ICCPR and has an obligation, under Article 18 of the [Vienna Convention on the Law of Treaties](#), to refrain from acts that would defeat the purpose of a treaty while its ratification is pending. Article 19 of the ICCPR establishes that "[e]veryone shall have the right to hold opinions without interference" and that "[e]veryone shall have the right to freedom of expression; [and] this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

While the ICCPR recognizes that expression rights may be restricted "[f]or the protection of national security or of public order," the Chinese government has not demonstrated that lawyer communications with the press regarding the facts of a case have threatened, or represent a realistic threat to, national security or public order. A May 18, 2006, article in the Hong Kong newspaper Ming Pao discusses the [persecution of lawyers who have engaged in criminal defense and rights defense work](#), and identifies [Zheng Enchong](#), [Zhu Jiuhu](#), [Gao Zhisheng](#), and [Guo Feixiong](#) as four legal advocates who have been subject to government repression. Chinese authorities targeted these individuals for legal activities that were [peaceful in nature](#) and failed to credibly establish any links between their legal activities and threats to national security or public order. Nonetheless, public security officials detained Zhu Jiuhu and Guo Feixiong for several months before releasing and dropping criminal charges against them. Zheng Enchong remains in prison on a questionable charge of "illegally providing state secrets to entities outside of China." He is [due for release on June 5, 2006](#).

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## **Government Harassment and Detention of Protestants Resumes in Late April**

Officials detained Chinese Protestants on five occasions since April 26, according to reports by the [China Aid Association](#) (CAA), a U.S. NGO that monitors religious freedom in China.

- On [April 26](#), officials detained pastor Liu Yuhua at the Linchu County Detention Center in Shandong province. Officials accused Liu of involvement in "illegal business practices." According to CAA, Liu had printed and distributed Bibles and other Christian literature free of charge. According to a CAA source, officials searched Liu's office without a search warrant and confiscated cash and banking records. Article 111 of China's [Criminal Procedure Law](#) requires a search warrant. The charges against Liu are similar to those against [Cai Zhuohua](#), a house church pastor who had printed and given away Bibles. In 2004 officials charged Cai with illegally operating a business, and in 2005 he was convicted of this charge.
- On [May 10](#), officials raided a house church Bible study session in Suqian city in Jiangsu province, using electric shock batons on some of the church members. About 60 believers were present, and officials interrogated 11 pastors and house church leaders, including South Korean pastor Cui Rongbo, and pastors Cai Zhirong and Wu Changle. On May 11, officials ordered Pastor Cui to leave China within 48 hours.
- On [May 12](#), officials harassed and disrupted a meeting of the Chenhang house church in Shanghai municipality. Officials ordered members of the house church to stop meeting.
- On [May 16](#), officials raided a house church Bible study meeting in Shanghai municipality. Officials detained Pastor Zhang Guangming from Henan province and Pastor Ye Shengchong from Zhejiang province. As of May 18, officials continued to hold one of the two pastors.
- On [May 18](#), officials detained Pastor Chu Wei in Beijing. A house church leader from Anhui province, Pastor Chu had come to Beijing to obtain legal advice for a house church group in Henan province. An official told Chu that he had been detained at the joint request of the Henan and Anhui Public Security Bureaus. Officials interrogated Chu for four hours and then released him.

Officials detained unregistered Protestants in [November 2005](#), in [December 2005](#), during the [Christmas season](#) in 2005, in [January](#), in [February and March](#), and again in [late March](#). CAA reported no detentions of Protestants between March 23 and April 26; Chinese President Hu Jintao visited the United States between April 18 and April 22.

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

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## **Officials and Scholars Criticize the Failure of Labor Laws to Protect Workers**

Chinese officials and scholars criticized the failure of Chinese labor laws to protect workers in press reports from April and May 2006. Li Qi, a labor economics professor at the Capital University of Economics and Business in Beijing, said the failure of China's labor laws to protect workers results from collusion between government officials and private business owners, according to an April 3 China Youth Daily [article](#) (English translation in the China Labour Bulletin, April 18, 2006). "Due to the biased economic policies adopted by some local governments," he said, "many private company owners enjoy privileges which exceed legal restrictions." Professor Li cited the coal mine industry as an example that illustrates how collusion between public officials and private investors threatens workers' lives by reducing the effectiveness of the central government's mine safety policies.

Su Hainin, Director of the Labor Salary Institute of the Ministry of Labor and Social Security, said that management has the "absolute upper hand" over workers, according to a May 8 article in [China Daily](#). A labor surplus in the low-wage end of the labor market, restructuring of industries, and few legal protections for workers result in a pessimistic outlook for labor-management relations, he said. Zheng Gongcheng, a labor expert at People's University in Beijing, said that if the imbalance in labor relations is not addressed, it will "sabotage social stability [and] . . . also waste good opportunities for national economic development," according to the China Daily report.

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## **MPS Supports Taping Interrogations, But Has No Plans for Nationwide Implementation**

The Ministry of Public Security (MPS) announced on May 16 that it will promote audio and video taping of police interrogations in homicide and triad-related cases, according to a Xinhua [report](#) dated the same day. The report notes that public security bureaus in economically developed areas such as Shanghai and Beijing municipalities, as well as Zhejiang, Guangdong, and Jiangsu provinces, have already adopted such measures. Despite supporting these local experiments, the MPS announced no formal plans for nationwide implementation. Instead, He Ting, Director of the MPS Criminal Investigation Department, maintained that it is "still premature for police departments across the country to implement such measures because of the gap in economic development and lack of police in the remote western areas."

According to He Ting, one motivation behind audio and video taping of police interrogations is the desire to prevent police abuses such as coercion of confessions under torture. In 2005, the wrongful convictions of [Nie Shubin](#) and [She Xianglin](#) drew national attention to widespread abuses in the criminal justice system and the continuing problem of torture. The local public security bureau in She Xianglin's case ultimately agreed to provide [compensation for his wrongful imprisonment](#). A March 5 Xinhua [article](#) (via Sina.com) raises the She Xianglin case and notes, "Similar cases make people think inquisition by torture is involved in police interrogation." According to Xinhua, a delegate to the National People's Congress (NPC) plenary session in March stated that "there remains an outstanding problem of inquisition by torture in [the] judicial sector." The delegate submitted a proposal to the NPC to introduce the taping of police interrogations in criminal cases punishable by death. Xinhua notes that eliminating coerced confessions under torture has become a priority for the MPS in 2006.

While MPS officials at the May 16 [press conference](#) (in Chinese) highlighted the need to guard against wrongful convictions, they also emphasized the need to ensure that the proper handling of cases would lead to verdicts of guilt. The MPS continued to [emphasize its "Strike Hard, Maximum Pressure" policy](#), as well as its high rate for solving criminal cases. In addition, Xinhua's May 16 report said that there may be other motives behind the decision to introduce audio and video taping of police interrogations, including law enforcement's desire to prevent criminal suspects from revoking confessions or bringing false charges against interrogators. The MPS has not announced a concrete mechanism to enable criminal suspects to lodge complaints during the process of interrogation, or to make offending officers more accountable.

For more information on the Nie Shubin and She Xianglin cases, and the problem of coerced confessions under torture, see [Torture and Abuse in Custody](#), in Section III(b) of the CECC's [2005 Annual Report](#).

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## **Authorities Impose Special Procedures on Release of Shanghai Lawyer Zheng Enchong**

Local authorities have announced plans to take Shanghai lawyer and property rights advocate Zheng Enchong into temporary custody upon his scheduled release from prison, according to a June 1 Human Rights in China (HRIC) [report](#). Zheng is serving a three-year prison sentence for "illegally providing state secrets to entities outside of China" and is due for release on June 5, 2006, according to court documents from the Shanghai No. 2 Intermediate People's Court and Shanghai High People's Court. The trial court judgment subjects Zheng to an additional punishment of deprivation of political rights for one year following his release. Under Article 54(2) of the [Criminal Law](#), these political rights include "the rights of freedom of speech, of the press, of assembly, of association, of procession and of demonstration."

In July 2001, the Shanghai Justice Bureau revoked Zheng's license to practice law after he advised more than 500 households displaced by Shanghai's urban redevelopment projects on their rights to government compensation. In May 2003, the month before public security officials detained Zheng, a group of Shanghai residents who were advised by Zheng attempted to sue Zhou Zhengyi, a prominent Shanghai property developer, alleging that corrupt officials colluded with him to deprive them of compensation funds for their demolished homes. Later that month, Shanghai municipal authorities placed Zhou under house arrest, and in June 2004, the Shanghai No. 1 Intermediate People's Court sentenced him to three years imprisonment. According to a May 26, 2006, Xinhua [report](#) (via China Daily), Zhou was released on that date. An April 26 RFA [article](#) (in Chinese) notes that Zheng Enchong has expressed his desire to continue appealing on behalf of Shanghai residents after his own release in June. But the HRIC report suggests that authorities remain cautious, and have arranged for police to hold Zheng in temporary custody on June 5 and 6, to confirm arrangements for his deprivation of political rights and complete other formalities.

Five years after Shanghai authorities suspended Zheng's license to practice law, controversy over land disputes and forced demolitions remains prevalent there and throughout China. In October 2005, a New York Times [report](#) (registration required) discussed the existence of a property bubble and rampant land speculation in China. An April 18, 2006, South China Morning Post (SCMP) [article](#) (subscription required) characterized the Shanghai property market as "perhaps the most speculative on the mainland" and notes that analysts attribute this to a variety of factors, including the 2010 World Expo, massive redevelopment projects, and inflows of overseas capital. According to the SCMP, government measures to curb property speculation are not working. Hundreds of Shanghai residents addressed a [November 2005 open letter](#) (in Chinese, via Citizens Rights Net) to the Shanghai municipal government and a [December 2005 open letter](#) (via the Network of Chinese Human Rights Defenders) to UN Secretary General Kofi Annan. In these letters, residents complained about continuing government abuses, forced relocation, and confiscation of personal property. A January 25 Radio Free Asia (RFA) [report](#) and April 24 Voice of America [report](#) (both in Chinese) estimate that the number of households that the government will forcibly evict from the site of the 2010 World Expo falls between 18,000 and 20,000.

For information on Zheng Enchong's criminal case, see the CECC's January [analysis](#) and case information searchable through the CECC [Political Prisoner Database](#). See also the section on "Denial of Fair Public Trial" in the U.S. Department of State's [2005 Country Report on Human Rights Practices in China](#).

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.php?NLdate=20060602&show=ALL#id54901>

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## Lawyer Petitions For Constitutional Review Of Discriminatory SPC Interpretation

Zhou Wei, a Sichuan University law professor, has asked the Legislative Affairs Commission (LAC) of the National People's Congress Standing Committee (NPCSC) to review the constitutionality of a 2003 Supreme People's Court (SPC) judicial interpretation that discriminates between urban and rural residents on the basis of their household registration (hukou) status, according to a April 21 Sichuan Online [article](#).

Professor Zhou submitted the petition on behalf of the family of He Yuan, a Sichuan schoolgirl [killed](#) in a traffic accident on December 15, 2005, when a truck collided with the vehicle on which Ms. He and two classmates were riding. The trucking company settled with the families of the other two victims, who held urban hukou, paying them 200,000 yuan (US \$24,700) each. The company, however, offered less than half that amount to the family of He Yuan, who held a rural hukou. Despite their rural hukou status, He Yuan's father works as a butcher in urban Chongqing, and Ms. He had resided there for 10 years. The trucking company calculated its settlement offer based on the 2003 SPC judicial interpretation, according to a January 24 Procuratorial Daily [article](#).

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 average annual disposable income of urban residents or the average net income of rural residents in the jurisdiction where the case is heard." An urban Chongqing resident averages 9,221 yuan (US \$1,140) in annual disposable income, while rural Chongqing residents average 2,535 yuan (US \$312) per year in net income, according to a January 27 Xinhua [article](#). Professor Zhou said "Article 29 [of the SPC Interpretation] requires that compensation for deaths be determined on the basis of citizens' hukou status, and distinguishes between urban and rural. This has led to a difference between the compensation award for rural and urban hukou holders that can be as large as a factor of four. This violates article 33(2) of the Constitution, which provides for the equality of all people before the law," according to the Sichuan Online article.

Professor Zhou's petition is an effort to use an NPCSC procedure established in 2004 that allows citizens to submit requests for constitutional review of regulations that conflict with the Constitution and national law. China's Constitution vests the power to interpret and enforce the Constitution in the NPCSC. Under China's Legislation Law, government agencies may initiate a detailed review process of the constitutionality and legality of national laws and regulations by the NPCSC's Legislative Affairs Commission. Ordinary citizens, however, may only submit proposals for constitutional and legal review to a screening office under the LAC. In December 2005, the NPCSC passed the "Working Procedures for the Filing and Review of Judicial Interpretations," extending these constitutional review procedures to SPC judicial interpretations. For more information, see section V(b), [Legal Restraints on State Power](#), of the Commission's 2005 Annual Report.



Chinese laws and regulations that condition citizens' legal rights and public benefits on their hereditary hukou status conflict with China's international commitments on non-discrimination, particularly regarding migrants residing in urban areas who hold rural hukou. Article 26 of the International Covenant on Civil and Political Rights (which China has signed but not ratified) guarantees equal protection of the law and non-discrimination based on "national or social origin . . . birth or other status." Article 2(2) of the International Covenant on Economic, Social, and Cultural Rights (which China has both signed and ratified) also bars discrimination in fields such as employment, education, health, social security on the same grounds. For more information on hukou barriers, see the Commission's [recent 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 [Freedom of Residence and Travel](#) section of the Commission's 2005 Annual Report, and the corresponding section of the [2004](#) Annual Report, and the Commission's [roundtable](#) on hukou reform.

Local Chinese courts have responded to the 2003 SPC interpretation in different ways. Some courts have applied Article 29 strictly, and [reduced](#) compensation to rural hukou holders regardless of their length of residence in an urban area. Other courts have [applied](#) urban standards to calculate compensation awards to rural hukou holders. The Sichuan Online article notes that the Anhui High People's Court has issued a decision mandating that courts apply urban personal injury calculation standards in cases involving minor children who hold rural hukou and study and live in urban areas. The article also cites an unnamed official of the Sichuan High People's Court as saying that Sichuan courts have in practice adopted a standard that applies urban compensation standards for migrants who can offer proof of residence in an urban area for at least one year.

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## Activists, Lawyers Denounce Results Of Taishi LPC Election

A group of 35 nationally-recognized lawyers and human rights defenders, including Gao Zhisheng and [Guo Feixiong](#), announced they would sue a local election committee to challenge the results of a recent local people's congress (LPC) election in Dongyong township, Guangdong province, according to a March 30 South China Morning Post (SCMP)/AsiaNews [article](#).

The challenge follows a March 20 runoff election in which Feng Qiusheng, an LPC candidate from Taishi village, lost to a rival candidate supported by local officials. Authorities had jailed Feng Qiusheng for seven months after he participated in a mid-2005 effort to impeach the Taishi village committee head for corruption. In October 2005, the government [suppressed](#) the impeachment effort, [closed Web sites](#) that reported on the citizen efforts, and [accused](#) the rights defenders who worked to support the Taishi villagers of endangering social stability.

Defeated candidate Feng Qiusheng and his supporters allege that the rival candidate bought votes, according to a March 29 South China Morning Post (SCMP) [report](#). Guo Feixiong also alleged that local officials tampered with ballots.

The national [Election Law for the National People's Congress and Local People's Congresses](#) only allows court challenges with regard to voter eligibility, not election results. But Yao Lifa, one of the lawyers supporting the Tashi villagers said that "[w]e know the courts will not accept our case but we still have to try . . . we want to prod them into perfecting the law."

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## Zhejiang and Other Provincial Governments Issue New Religious Regulations

The Zhejiang provincial government issued an [amended provincial regulation on religious affairs](#) on March 29, making it the fourth provincial-level government to promulgate a new or revised comprehensive regulation on religious affairs since the State Council [Regulation on Religious Affairs](#) (RRA) entered into force on March 1, 2005. The Zhejiang regulation amends the provincial government's [1997 regulation on religious affairs](#) and will enter into force on June 1, 2006. The other new or amended provincial-level regulations on religious affairs were adopted by the governments of [Shanghai municipality](#) (amended from the [1995 regulation](#)), [Henan province](#) (new regulation), and [Shanxi province](#) (new regulation).

The national RRA does not mention whether existing local regulations are to be amended to conform to the RRA. It provides only that the 1994 [Regulation on the Management of Venues for Religious Activity](#) is annulled upon the RRA's entry into force. (In April 2005 the State Administration for Religious Affairs (SARA) issued new [Measures on the Examination, Approval, and Registration of Venues for Religious Activity](#).) Article 79 of the [Legislation Law](#) says that national regulations have higher force than local ones, and articles 64 and 88 call for amending or canceling local regulations that conflict with national legal sources. Vague wording within the RRA makes it difficult, however, to determine how some provisions in pre-existing and new local regulations may conflict with the RRA. To date, at least one provincial government has reported it annulled an existing legal decree to conform provincial law to the national RRA. In July 2005, the Hunan provincial government [canceled its implementing measures](#) for the now-annulled 1994 Regulation on the Management of Venues for Religious Activity.

While legal guidelines can indicate new trends in the government's attitude toward religion, Communist Party policies and local government variations in dealing with religious issues also affect the actual implementation of religious policy. For additional information about religion in China, see section III(d), [Freedom of Religion](#), in the CECC 2005 [Annual Report](#), and

recent CECC analyses on restrictions placed on the practice of [Buddhism](#), [Catholicism](#), [Islam](#), and [Protestantism](#).

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20060602&show=ALL#id49669>

## Chinese Government Continues to Coerce Registered Catholic Bishops

The Chinese government continued to assert its control over the appointment of Chinese Catholic bishops during May, according to Chinese and foreign news sources. Government religious affairs authorities permitted the consecration of one registered bishop who was also approved by the Holy See, but authorities also installed another registered bishop who the Holy See did not approve. The government controlled press also reported prominently the government's assertion of its right to appoint Catholic bishops. These events followed the [consecrations](#) of registered bishops not approved by the Holy See on April 30 and May 2.

- On May 7, the Catholic Patriotic Association (CPA), the body governing the state-controlled Catholic Church in China, permitted the consecration of Pei Junmin as coadjutor bishop of the registered diocese of Shenyang in Liaoning province, according to a May 8 Union of Catholic Asian News (UCAN) [report](#) and a May 8 AsiaNews [report](#). The Holy See also approved Bishop Pei's consecration, which some 5,000 people attended, according to the reports.
- On May 14, the CPA installed Zhan Silu, a senior CPA official, as bishop of Mindong diocese in Fujian province. About 500 people attended the installation ceremony, but some of those attending said they were under CPA pressure to attend. No other bishops attended, according to a May 15 UCAN [report](#) (via Spero News) and two May 15 AsiaNews reports (reports [A](#) and [B](#)). In January 2000, the CPA had arranged for Zhan to be consecrated as bishop without the Holy See's approval. According to AsiaNews, the bishops of both the unregistered and registered communities in Mindong diocese died in 2005. The Holy See then proposed to the Chinese government that the coadjutor bishop of the unregistered community should succeed to the leadership of both the unregistered and registered communities. (The unregistered Catholic community in Mindong diocese is reported to be much larger than the registered community.) The installation of Zhan Silu, who serves as a vice-chairman of the CPA and also as a member of the Chinese People's Political Consultative Conference, stands as a rejection of the Holy See's overture.
- On May 15, CPA vice-chairman Liu Bainian said in a Voice of America [interview](#) that the CPA plans to consecrate more bishops, with or without the Holy See's approval.
- On May 19, senior officials of the State Administration for Religious Affairs (SARA) and the United Front Work Department (UFWD), the government and Party agencies responsible for controlling religious practice, met in Beijing with 18 bishops consecrated or involved in consecrating others during 2006, according to UCAN reports of [May 20](#) and [May 24](#). At the meeting in the Great Hall of the People in central Beijing, the SARA and UFWD officials heard oral reports from the four bishops consecrated in 2006, and affirmed to the assembled bishops that the CPA will continue to select bishops. The officials demanded that the bishops uphold this government and Party policy.
- On May 27, CPA officials announced their refusal to recognize a bishop who was consecrated without their approval, and forbade him to act as a bishop. On May 22, Li Duan, the registered bishop of Xi'an diocese in Shaanxi province, who was known for his open loyalty to the Holy See, announced that in October 2005 he secretly consecrated Wu Qinjing as bishop of neighboring Zhouzhi diocese, also in Shaanxi, according to a May 26 South China Morning Post (SCMP) [article](#) (subscription required). Bishop Li died on May 25. Government officials warned Wu between May 22 and May 27 that they considered his consecration illegal and that he could not act as a bishop. On May 27, CPA officials met with Zhouzhi priests, announced the illegality of Wu's consecration, and pressed for Wu to be displaced by a diocesan management group headed by Zhao Yinsheng, a registered priest. Defying the official warnings, Bishop Wu presided at a ceremony to mark the erection of a new cross in the Zhouzhi cathedral, according to May 29 [SCMP](#), [Reuters](#), and [AsiaNews](#) reports.
- According to a May 28 [article](#) (in Chinese) in Wen Wei Po, a pro-PRC Hong Kong newspaper, the CPA has already selected candidates for vacant episcopal sees in Hebei, Hubei, and Inner Mongolia. Upon approval by the registered Chinese Bishops' Conference, the candidates could be consecrated within three months.
- The government controlled press published articles during May that reported the government's assertion of its right to select Catholic bishops, along with its plans to do so. Xinhua reports of [May 6](#), [May 7](#), [May 12](#), and [May 16](#), and a May 11 Beijing Review [article](#) reported these official assertions. Catholic Church officials outside China deny the Chinese government's claim to this right. The Holy See Press Office issued on May 4 a [declaration](#) (English translation below Italian original) in which it said that "bishops and priests have been subjected - on the part of external entities to the Church - to strong pressures and to threats, so that they take part in the episcopal ordinations which, being without pontifical mandate, are

illegitimate and, besides, contrary to their conscience" and that this was a "grave violation of religious liberty." In an [article](#) appearing in the May 14 Hong Kong Sunday Examiner (diocesan newspaper), the Diocese of Hong Kong charged that the CPA had usurped the Church's authority. On May 31 Cardinal Lajolo, the Holy See Secretary for Relations with States, told the Romanian daily Ziua in an [interview](#) (in Romanian) that the right of the Church to appoint bishops "does not affect the organization of the Chinese state in any way..." and that "China's political authorities should not interfere in the Church's internal organization." On the same day Cardinal Zen said, "The Chinese government has clearly told Liu Bainian to stop these ordinations. But should more illicit ordinations be celebrated, the Holy See will have to announce the rupture of all negotiations with Beijing," according to a June 1 AsiaNews [report](#).

A leading Catholic expert on Catholicism in China interpreted the Chinese government's recent actions as a response to Pope Benedict's March 2006 elevation of Bishop Joseph Zen of Hong Kong to the College of Cardinals, according to a May 11 UCAN [report](#). [Cardinal Zen](#) has been an outspoken advocate of religious freedom, human rights, and democracy. The Chinese government may also have decided to break a deadlock with the Holy See over appointment of bishops and to consolidate its control over the Chinese Catholic Church before beginning new negotiations with the Holy See, according to the expert. Chinese press coverage lends some support to this view. The May 11 Beijing Review article said that "in recent years, Beijing and the Holy See--tentatively seeking the normalization of relations--have reached an unwritten consensus that prospective bishops seek Vatican approval before taking up their posts. According to the State Administration for Religious Affairs, while China had informed the Vatican of recent appointments of bishops many times beforehand, the latter failed to give any response." A Hong Kong diocese expert on mainland Church affairs denied that the Holy See failed to respond, according to a May 4 UCAN [report](#). The May 24 UCAN report characterized Chinese officials as having said that "before China-Vatican negotiations achieve success, the Church in China will continue to have 'self-elected and self-ordained' bishops... though China and the Vatican have different views, mutual concerns can be easily resolved once diplomatic ties are established." Pope Benedict has shown little inclination to mute his call for religious freedom in China, according to a May 8 L'espresso [article](#).

The Chinese government founded the CPA in the 1950s to create a national Catholic Church independent of the Holy See, and since its founding the CPA has asserted that it has the right to consecrate bishops without the Holy See's approval. Throughout the world, the Holy See reserves to itself the right to select candidates for consecration as bishops. Since the 1950s, two Catholic communities have existed in China: a registered community that accepts the CPA's supervision and control, and an unregistered community repressed by the government for its refusal to do so. The Holy See has sought since the 1990s to promote the unification of the two communities by legitimizing the consecration of many CPA-registered bishops. Although the Chinese government has insisted in public on its right to select Catholic bishops without the Holy See's involvement, Catholic bishops and news agencies abroad claim that the government has acquiesced in the Holy See's involvement in the selection process. The May 11 Beijing Review article supports this point. For example, in June 2005, [Xing Wenzhi](#) was consecrated as the registered auxiliary bishop of Shanghai, evidently after quiet consultations between registered clerics from Shanghai and the Holy See; and the diocese of Hong Kong announced in its diocesan newspaper that as recently as April 20, 2006, [Xu Honggen](#) was consecrated bishop for the registered community of Suzhou diocese in Jiangsu province with Holy See approval. The Holy See views the issue of its authority to select bishops as particularly important today, since many Catholic bishops are elderly, a number have died since 2000, and their successors have not yet been selected and consecrated, according to an [article](#) reprinted by the Holy Spirit Study Centre of Hong Kong.

According to Canon 1382 of the [Canon Law](#) of the Catholic Church, a bishop who administers or accepts consecration as bishop without the approval of the Holy See incurs excommunication. Some canon law experts have claimed that, because of the CPA pressure, Canon 1382 may not apply to the Chinese bishops consecrated without Holy See approval, according to a May 19 UCAN [opinion column](#).

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

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## **Prison Sentences End for Tibetan Monks From Gaden Monastery**

At least three Tibetan Buddhist monks of Gaden Monastery near Lhasa completed 10-year prison sentences on May 6, 2006, and may have been released, according to sentencing details found in case records in the [CECC Political Prisoner Database](#) (PPD). Security officials detained monks Lobsang Tenzin, Phuntsog Dondrub, and Atsag at Gaden on May 7, 1996, after a May 6 confrontation at the monastery between hundreds of monks and officials of a patriotic education work team. The officials ordered the monks not to display any photographs of the Dalai Lama at the monastery and to hand over all photographs of the Dalai Lama to the work team.

Two other Gaden monks detained at the same time, Tenzin Norbu and Tazang Norbu, may have also been released upon completing 10-year sentences, but reports on the length of their sentences are uncertain. Tenzin Norbu may be serving 12 years of imprisonment, and Tazang Norbu may be serving an 11-year sentence, according to CECC analysis of prisoner case information.

The patriotic education work team arrived at Gaden on May 6, 1996, to enforce a ban on possessing or displaying images of

the Dalai Lama, according to a series of reports published by the Tibet Information Network (TIN) in 1996 ([May 17](#), [May 24](#), [June 12](#), and [August 15](#) reprinted on the Web site of the World Tibet Network, and [November 27](#) reprinted on the Web site of the Australian National University). After some monks began throwing stones at the work team's temporary quarters in the monastery, People's Armed Police (PAP) officers arrived at the monastery and opened fire on monastery buildings, killing one monk and injuring several more, according to the TIN reports. As many as 90 monks were detained by May 10. The PPD, which includes information about Tibetan political prisoners that TIN shared with the CECC, identifies 61 Gaden monks detained on May 7-10.

Authorities released most of the monks relatively quickly over the following months, but courts sentenced 16 Gaden monks to terms of imprisonment ranging from 5 to 15 years, and public security officials ordered 16 monks to serve terms of one to two years of reeducation through labor (RETL), according to information in the PPD. In August 1996, officials expelled at least 150 monks from Gaden, including most of the detainees, for refusing to denounce the Dalai Lama, according to the TIN reports. Few official details are available about the charges and criminal proceedings against the monks. In the case of Lobsang Tsering, one of the monks whose 10-year sentence is complete, official Chinese information confirmed that the Lhasa Intermediate People's Court sentenced him on January 17, 1997, to 10 years imprisonment for "counterrevolutionary propaganda and incitement," a crime under article 102 of the [1979 Criminal Law](#). No reports are available suggesting that authorities charged any of the monks with a violent crime.

Seven Gaden monks remain imprisoned for their alleged participation in the May 1996 incident and are serving sentences longer than 10 years:

- Jampa Tenkyong, Lobsang Tenpa, and Yeshe Rabgyal are serving 15-year sentences and are believed to be imprisoned in [Oushui Prison](#);
- Lobsang Khetsun, Pasang Tsegye, and Tenzin Geleg are serving 12-year sentences and are believed to be imprisoned in Tibet Autonomous Region Prison (TAR Prison, also known as Drapchi Prison);
- Konchog Dondrub is serving an 11-year sentence and is believed to be imprisoned in TAR Prison.

The patriotic education incident at Gaden was the start of an intensive five-year campaign (1996-2000) that reached monasteries and nunneries throughout Tibetan autonomous areas of China and resulted in the displacement or expulsion of thousands of monks and nuns.

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## Islamic Congress Establishes Hajj Office, Issues New Rules

The China Islamic Congress convened its eighth session from May 8 to May 12, according to a May 12 [article](#) in Xinhua. The Congress met to define the Islamic Association of China's (IAC) goals for the next five years, the article reported. The IAC is one of the "patriotic religious associations" that the government and Party use to control religion in China. The Congress announced several changes designed to align IAC rules to national government regulations and to further enhance IAC authority over Islamic practice:

- The IAC will establish an office to manage pilgrimages to Mecca, according to a May 13 Xinhua [report](#). This change was written into the Association's constitution. Article 11 of the [Regulation on Religious Affairs](#) (RRA) designates the IAC to do this work, and government officials have [urged](#) pilgrims to Mecca to make the trip under the auspices of the Association.
- The Congress made several changes to its 1993 Trial Measures on the Democratic Management of Mosques.
  - To conform to the 1994 national [Provisions on the Management of the Religious Activities of Foreigners within the PRC](#), the Congress amended its Measures to allow Chinese mosques, with the consent of the local branch of the IAC, to conduct weddings and funerals for foreign Muslims within China, according to a May 11 [report](#) from the China News Agency. Article 5 of the national Provisions on Foreigners permits foreigners in China to invite Chinese religious personnel to conduct religious ceremonies, including weddings and funerals.
  - Another amendment to the IAC's Measures permits the main religious personnel at a mosque to serve as members of the mosque's democratic management committee, according to a May 12 [article](#) from the China News Agency. Terms on the committee range from three to five years, and members generally may not serve more than two terms, the article reported.
  - The Congress also made amendments relating to mosque property, including a stipulation that mosques register their property with government land management offices and obtain certificates of title and right of use. The national RRA imposes a similar requirement in article 31.
- The Congress passed two new measures, according to the May 12 China News Agency article.

- o Under the new Measures on Confirming the Qualifications of Islamic Religious Personnel, clergy who meet set requirements receive credentials as religious personnel after passing oral and written exams. Long-serving clergy over 60 years old do not need to take the exams. Among other requirements, personnel must be graduates of a state Koranic Institute or have received a standard mosque school education. In addition, personnel must be familiar with the IAC Islamic Affairs Steering Committee's "New Collected Sermons." These sermons reflect the Association's "correct and authoritative" view of religious doctrine in line with government and Party goals. For more information on the Islamic Affairs Steering Committee, see a 2001 China Daily [article](#) on the China Internet Information Center Web site and [Religious Freedom for China's Muslims](#) in section III(d), [Freedom of Religion](#), in the CECC [2005 Annual Report](#).
- o Under the new Measures on Appointing Chief Religious Workers to Islamic Venues for Religious Activities, the democratic management committee is responsible for appointing clergy and must reach its decision through "democratic consultation" and by seeking the opinions of the people who attend the mosque. The measures allow appointed clergy, in accordance with national regulations, to receive voluntary charitable contributions.

On May 12, Jia Qinglin, Standing Committee member of the Central Committee Politburo, met with the new leaders of the IAC, according to a May 12 [article](#) in Xinhua. He acknowledged the Association's work in helping the Party and government implement religious policy and urged it to continue to promote social stability and national and ethnic unity. He also encouraged the IAC to carry out social welfare projects.

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## **Shaanxi Provincial Court Announces Gradual Elimination Of Advisory Opinions**

The Shaanxi High People's Court (HPC) announced March 27 in an [Opinion on Implementing the Second Five Year Reform Program for the People's Courts](#) (Opinion) that it would "gradually eliminate" the use of advisory opinions (qingshi) in individual cases. The [Second Five Year Reform Program for the People's Courts](#), issued by the Supreme People's Court in 2005, identifies reform of advisory opinions as one of its [long-term court reform goals](#). Chinese judges often seek internal advisory opinions from higher courts or court adjudication committees (the highest authority in a given court) about how to decide pending cases.

Judicial reliance on internal advisory opinions harms judicial fairness and weakens the appeals process. Professor Yi Yanyou of Qinghua University law school said, "The direct result of advisory opinions is that they reduce the appellate system set up by China's litigation laws to one that exists in name only. 'Advisory opinions' are in reality behind-the-scenes manipulation. This not only makes China's trial system a fiction and makes parties' appeals meaningless, it also helps create dependency on the part of lower courts, weakening their ability to independently decide cases," according to a May 18 China Youth Daily [article](#) reprinted on the Xinhua Web site.

The Opinion says that the Shaanxi HPC will issue rules in 2006 to standardize the use of advisory opinions. The Opinion says that requests for advisory opinions will be limited to questions about the use of law. Any such requests must come from the adjudication committees of lower courts. Individual tribunals of higher-level courts will be responsible for handling requests for advisory opinions. But the adjudication committees of higher-level courts will issue the responses.

The Shaanxi HPC's Opinion may reflect a positive effort to implement reforms the SPC announced in the Five Year Reform Program. The Program allows lower courts to request higher courts to handle general questions of the applicability of law, rather than specific factual determinations. How effective these reform efforts will be in practice is unclear. Lower courts seek advisory opinions in part to avoid punishment under court responsibility systems. These systems use criticism, fines, and career sanctions to discipline individual judges for a range of errors, including appellate reversals for legal error. The systems create incentives for lower court judges to seek advance guidance from higher courts before issuing a verdict. Neither the Shaanxi Opinion nor the Five Year Reform Program addresses the problems associated with the use of responsibility systems, and the Five Year Reform Program calls on local officials to strengthen the use of responsibility systems to supervise and manage the judiciary.

For more information, see sections [V\(c\)](#) of the Commission's [2005 Annual Report](#) and V(d) of the [2004 Annual Report](#), on China's Judicial System.

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## **SEPA Director Says Public Protests Over Pollution Rising by 29 Percent Per Year**

Zhou Shengxian, the Minister of the State Environmental Protection Administration (SEPA), said in a May 4 Beijing News [interview](#) (in Chinese) that mass protests over pollution have risen by 29 percent per year in recent years. Zhou said that more than 51,000 disputes over environmental pollution occurred in 2005.

Zhou told the Beijing News interviewer that SEPA's current environmental protection efforts focus on clean drinking water.

According to Zhou, incidents of water pollution made up 50.6 percent of all environmental accidents in 2005. SEPA Vice Minister Pan Yue said in March that more than 300 million people in rural China lack access to water clean enough to drink, according to a March 16 China Daily [report](#). On May 18, Vice Minister of Water Resources Jiao Yong said that over 400 cities suffer water shortages, and that 110 cities face a water crisis, according to a May 22 People's Daily [report](#). In November 2005, an explosion at a chemical plant in Jilin province contaminated the Songhua River with 100 tons of dangerous chemicals, resulting in a severe shortage of drinking water for millions of residents in Harbin city, Heilongjiang province, according to a China Daily [report](#).

According to SEPA Minister Zhou, the 11th Five-Year Plan for State Environmental Protection, issued on February 9, 2006, includes measures to enforce official responsibility for and increase government supervision of, environmental protection. Zhou said the plan seeks to reduce heavy pollutants such as sulfur dioxide by 10 percent over the next five years. SEPA will release specific numbers in July detailing government responsibility for pollution reduction at each level of government from provincial to county level. He also said that SEPA would "resolutely investigate the illegal environmental actions of state administrative agency personnel."

Zhang Lijun, the Deputy Director of SEPA, announced on May 2 that SEPA will build three regional environmental supervision centers in the northwest, northeast, and southwest regions of China, in addition to the two currently in operation in Nanjing and Guangzhou, according to a May 5 China Daily [report](#). The centers will focus on supervising environmental protection and coordinating environmental responses involving more than one provincial-level government. According to the report, "SEPA intends to utilize the centres to tackle regional problems... more efficiently."

According to Zou Shoumin, Deputy Director of the Chinese Academy for Environmental Planning, an agency under SEPA, the Chinese government did not achieve eight out of the 20 environmental goals it set in the [10th Five-Year Plan for State Environmental Protection](#) (in Chinese) due to high power consumption, as reported in an April 13 China Daily [article](#). The article points out that "the five-year plan stipulated that discharges of sulfur dioxide should be cut by 10 percent, but compared with discharge levels from 2000, levels of the pollutant increased by 27 percent in 2005." According to an April 13 Legal Daily [report](#) (in Chinese), Zou also said that there has not been progress over the past five years in perfecting environmental protection laws, and that implementation of existing laws remains weak. For more information on [The Environment](#) in China, see Section III(g) of the CECC's 2005 [Annual Report](#).

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## State Council Circular Establishes Emergency Response Office

The State Council issued a [Circular on the Establishment of the State Council's Emergency Response Office](#) on April 10, creating the Office and ordering it to handle four types of emergencies: natural disasters, industrial and environmental accidents, disease outbreaks and other health emergencies, and threats to public order and "mass incidents." The circular grants the Office the authority to coordinate government efforts to identify, prevent, and respond to such emergencies.

Chinese authorities have acted to improve official capacity to respond to the types of large-scale emergencies that have occurred in 2005 and 2006, including [coal mine accidents](#), [environmental pollution](#), [social unrest](#), and infectious diseases. On November 16, 2005, the State Council issued [emergency response regulations](#) for animal disease epidemics. On February 6, the State Environmental Protection Agency announced new reporting procedures that require environmental accidents to be reported within one hour to government authorities at or above the county level, according to a February 7 China Youth Daily [article](#) reprinted on the Xinhua web site. Revised People's Liberation Army regulations that took effect on April 1 include a new chapter on "organizing and guiding responses to emergency incidents," according to a March 19 Xinhua [report](#).

Government interest in strengthening emergency response systems is linked in part to official efforts to deal with citizen protests. For Chinese officials, the term ["mass incidents"](#) includes mass petitions, public demonstrations, and riots. Top Party and government officials have set a goal in 2006 to reduce the number of mass incidents; this policy goal is reflected in [policy documents and press statements](#) emphasizing the need for social order. While some officials have [denied](#) that mass incidents are increasing, senior Chinese officials [acknowledged](#) in 2005 that social unrest is increasing. Government and Party leaders, however, have ruled out political liberalization as a policy response.

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## Population Planning Officials Punished for "Misuse of Authority" in Shaanxi Province

Government authorities punished 13 officials in Shaanxi province after a woman was found to have given birth to nine children, according to a May 5 Xinhua [report](#). Investigators found that a family planning official and a village head took bribes from the woman and her husband, supplied them with fraudulent documents, and forged the woman's contraception records. Xinhua reported that the two officials were detained for "misuse of authority" and 11 other family planning and township officials were dismissed "for negligence and other reasons."

Population planning officials rigorously control the reproductive lives of Chinese women, enforcing a policy that limits most women to one child and is marked by mandatory birth permits and contraception, and coerced sterilization and abortion.

China's [Population and Family Planning Law](#) requires officials to "perform their administrative duties strictly in accordance with law" (Article 4) and provides that population planning officials may be subject to criminal punishment for "abusing [their] power... demanding or accepting bribes..." (Article 39).

Credible reports by eyewitnesses, investigators and foreign analysts allege that the government's population planning policy has resulted in widespread corruption that takes various forms. In December 2004, witnesses testified to the [Committee on International Relations](#) of the U.S. House of Representatives that population planning officials sometimes accept bribes to provide couples birth permit certificates, fake sterilization certificates, and fake contraception records. The same Congressional committee heard testimony that population planning officials sometimes abuse their authority to exact fines. In 2005 in Shandong province, local officials of Linyi city profited from an illegal system in which local officials detained thousands of people and charged them fees to attend "population schools" which forced them or their relatives to submit to abortions or sterilization procedures, according to news media reports cited by the U.S. State Department's [Country Reports on Human Rights Practices - China](#) for 2005 (see Section 1.f). In March 2006 in Hunan province, about 60 villagers signed a petition accusing local population planning officials of taking 12 children away from their parents and [demanding money](#) for their return.

Chinese news media reported the surnames and punishments of the Shaanxi officials who violated population policy by permitting a woman to bear children. In the case of the Shandong officials who violated population planning policy by preventing women from bearing children, however, Chinese news media reported only that unnamed officials had been punished, and foreign journalists could not confirm that any officials had in fact been sanctioned, according to a February 2006 Guardian (London) [report](#).

Credible reports exist of widespread physical abuse in enforcing China's population planning policy, such as the testimony given to the Committee on International Relations described above, and other reports of abuse that the Chinese government [reported](#) in September 2005. Chinese officials have punished citizens who have drawn attention to abuses committed by population planning officials, such as [Chen Guangcheng](#), who is currently in detention, and [Mao Hengfeng](#).

For more information on Chen Guangcheng and Mao Hengfeng, see the CECC's [Political Prisoner Database](#). For more information on population planning in China, see the [CECC 2005 Annual Report](#), Section III(i).

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## Teachers Arrange for Underage "Interns" to Work at Guangdong Electronics Factory

Teachers at a school in Shaanxi province arranged for a total of about 600 students to be employed in an electronics factory in Dongguan city, Guangdong province, according to an April 12 [report](#) (in Chinese) in Ta Kung Pao, a Hong Kong newspaper. At the time of the report, more than 240 students were working on the factory's assembly lines up to 14 hours a day under the arrangement, which was called "practical training." Although Chinese law permits vocational students to work as interns, they must be between 16 and 18 years old. Some of the students working at the factory were not yet 16, according to the report.

The Ta Kung Pao reporter interviewed a student who said that he received only one yuan (US \$0.12) after working more than 10 hours per day for 15 days. The remainder of his wages went to his teacher for "safekeeping." The student also said that the teacher promised the students that their entire tuition would be paid if they worked at the factory for six months. The teacher also said the students could be admitted directly to high school without taking the entrance examination. A member of the vocational education staff explained to the Ta Kung Pao reporter that the school endorsed the students' employment as a "work-study program."

A Chinese-South Korean joint venture electronics company owns the factory and employed about 1,000 vocational students from Hunan, Sichuan, Guangxi, and Shaanxi provinces, according to the [Shenzhen Daily](#).

More cases of children working in Chinese factories have been reported over the past year, an expert on Chinese labor issues commented in the April 26 edition of [CSR Asia Weekly](#). Although they may legally employ interns, factory management abuses these internship programs when they rely on students as a large percentage of their work force and do not pay them fairly for work performed, he said. Other abuses occur when entrepreneurs set up unregistered vocational schools to place underage "students" in factory jobs for a fee.

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## First Passenger Trains to Lhasa Sold Out

Railway officials have sold all the tickets for the first five passenger trains scheduled to depart for Lhasa from major Chinese cities on July 1, 2006, according to a May 5 Xinhua [report](#). Commercial passenger service on the Qinghai-Tibet railway from Beijing, Shanghai, Guangzhou, Chengdu, and Xining will begin "trial operations" on July 1, the report said. Deputy General Manager Ma Baocheng of the Qinghai-Tibet Railway Company said that passenger trains to Lhasa will leave daily from Beijing, Chengdu (the capital of Sichuan province), and Xining (the capital of Qinghai province). Trains will depart every other day from Shanghai and Guangzhou (the capital of Guangdong province). Ma did not say how many passengers each train can carry. Zhang Fuhua, of the Qinghai provincial Tourism Administration, said that he expects an additional 800,000

"travelers" to visit the Tibet Autonomous Region (TAR) via Qinghai, according to a May 3 Xinhua [report](#). The report did not say when Zhang expects those arrivals to occur.

Railway workers began a 100-day "large-scale check and maintenance" of the railway section between Lhasa and Golmud (in Qinghai province) on March 15, to prepare for the July 1 "test run," according to a [report](#) the same day by Xinhua. Railway company sources said that the company "made the decision to carry out the final preparations after a cargo train's trial operation result on the section on March 1." The report did not address whether or not the cargo test revealed operational issues that required additional investigation. The company hopes that the test will "ensure trains can run on sections built on the frozen belt at a stable speed of 100 km per hour," according to Xinhua.

In February 2006, Xinhua [reported](#) that Professor Wu Ziwang, an expert at the Chinese Academy of Sciences frozen soil engineering laboratory, said that faster thawing of the permafrost "might greatly increase the instability of the ground ... where major projects such as highways or railways run through." The railway could become unsafe in a decade, Wu said, according to a Beijing News [report](#) in January. About 340 miles (550 kilometers) of track are vulnerable to damage by melting permafrost, which can distend the railway base in winter when it refreezes, according to an August 2005 Xinhua [report](#).

See Section VI. - "Tibet," [Culture, Development, and Demography](#), of the CECC 2005 Annual Report for more information on the Qinghai-Tibet railway and related issues.

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## **Government Considering New Anti-Money Laundering Regulations to Address Corruption, Improve Commercial Environment**

The People's Bank of China (PBOC) issued a series of draft regulations for public comment on April 12 aimed at "beefing up efforts to rein in money laundering across its banking, securities, and insurance sectors," according to an April 13 Xinhua [article](#). Chinese officials and China's state run media report that the regulations are needed to improve China's commercial environment and combat widespread embezzlement, bribery, and financial fraud. The Asian Development Bank estimates that more than 200 billion yuan (approximately US \$25 billion), or 2 percent of China's gross domestic product, is laundered on the mainland each year.

Xinhua reported that, under the draft regulations, companies would be required to monitor customers' identities, and to report large or suspicious transactions. The regulations included:

- [Anti-Money Laundering Regulations for Banking and Financial Organizations](#)
- [Anti-Money Laundering Regulations for Securities and Commodities Financial Organizations](#)
- [Anti-Money Laundering Regulations for Insurance Financial Organizations](#)

On April 25, Xinhua also [reported](#) that a draft Anti-Money Laundering Law had been submitted the same day to the National People's Congress Standing Committee (NPCSC) for deliberation. An April 26 Beijing News [article](#) (in Chinese) reported that the work on the law began in March 2004, and a draft was completed for comment in August 2005.

Xinhua cited Feng Shuping, Deputy Director of the Budgetary Work Commission of the NPCSC, as saying that the draft law would cover financial transactions, not only in the banking sector but also in other sectors, including insurance and securities firms, law firms, and accounting agents, and businesses such as real estate, jewelry sales, and auctions. An April 27 China Daily [article](#) said the draft law would also expand the categories of criminal activity that can be the basis of laundering prosecutions (called "predicate offenses") to include offenses involving corruption, such as embezzlement, bribery, and financial fraud. An April 26 People's Daily [article](#) (in Chinese) reported that the draft includes the following four systems:

- Customer identity tracking system;
- Record retention system;
- Large and suspicious transaction reporting system; and
- Internal monitoring system.

According to an April 24 China Daily [article](#), Feng said the draft law focuses on monitoring and preventing money laundering, and that the penalties will continue to be set forth in the [Criminal Law](#). Article 191 of the Criminal Law already criminalizes money laundering for four predicate offenses: narcotics trafficking, organized crime, smuggling, and terrorism. In addition, Article 312 criminalizes complicity in concealing the proceeds of criminal activity, and Article 174 criminalizes the establishment of an unauthorized financial institution.

In addition to the anti-money laundering provisions in the Criminal Law, the PBOC enacted three regulations in March 2003 that were specifically intended to address money laundering:

- [Rules on Anti-Money Laundering for Financial Institutions](#)
- [Measures on the Administration of Reporting of Large and Suspicious Foreign Currency Cash Transactions](#)



- [Measures on the Administration of Reporting of Large and Suspicious Renminbi Transactions](#)

These regulations require banks to report suspicious Chinese yuan and foreign exchange transactions. Banks are also required to report foreign exchange transactions of more than US \$10,000 in cash, or non-cash transactions of US \$100,000 per individual or US \$500,000 per entity, as well as large renminbi transactions, including single credit transfers of over 1 million yuan (approximately US \$120,500) per entity, and cash transactions and domestic fund transfers above 200,000 yuan (approximately US \$24,000) per person or entity.

After the domestic news media announced that the draft law had been submitted to the NPCSC, several government officials expressed concern about how the proposed legislation handles the government freezing of suspected money laundering accounts. An April 27 Xinhua [article](#) quoted Ying Songnian, a member of the NPC's Internal and Judicial Affairs Committee, as saying, "Although the draft law provides for penalties if the [anti-money laundering] bureau's power were abused, it fails to address the issue of compensation." It also quoted Guo Shuyan, an NPC deputy, as saying: "The draft should specify under what conditions the bureau can freeze account[s] to prevent abuse of power." Finally, the article cited NPC delegate Lin Guangzhao as warning that if the government makes mistakes in freezing companies' accounts "it will seriously hurt the company's operation and raise business disputes."

Money laundering and the proposed corruption-related predicate offenses are major problems in China, according to both Chinese officials and the U.S. State Department. An April 25 Xinhua [article](#) quoted Feng as saying "Money laundering has grown into a prominent problem in China," and that "The current legal framework to monitor anti-money laundering is not well-founded." That article also said that by the end of 2005, the China Anti-Money Laundering Monitoring and Analysis Center, set up in 2004 under the PBOC, had forwarded 683 suspicious money laundering reports to the police involving 137.8 billion yuan (approximately US \$17.2 billion). According to the State Department's [2006 International Narcotics Control Strategy Report](#), the International Monetary Fund has estimated that money laundering in China may total as much as US \$24 billion annually, while a September 23 South China Morning Post [article](#) (subscription required) reported that the Asian Development Bank estimates that more than 200 billion yuan (approximately US \$25 billion), or 2 percent of China's gross domestic product, is laundered on the mainland each year. Transparency International, an anti-corruption NGO based in Germany, ranked China 78 out of 158 in its [2005 Corruption Perceptions Index](#), and reports in Chinese state-run news media indicate that government corruption in China is widespread:

- At a December 2005 meeting of Asian and European prosecutors in Shenzhen, Deputy Procurator General Wang Zhenchuan said that procuratorates nationwide prosecuted and punished 50,000 corrupt officials from 2003 to 2005, according to a December 11 Xinhua [report](#).
- In 2005, Chinese news media reported on what the [China Daily](#) labeled "[China's biggest political scandal](#)," in which more than 260 government officials were alleged to have connections with Ma De, a senior official in Heilongjiang province convicted in July 2005 for taking bribes.

The Chinese government has sought since 2003 to bring domestic law into compliance with international obligations. The Chinese government [signed](#) the [United Nations Anti-Corruption Convention](#) on December 10, 2003, and the National People's Congress ratified it on October 27, 2005, according to a [report](#) on the same day. In January 2005, China became an observer to the [Financial Action Task Force](#), an inter-governmental body established by the G-7 nations in 1989 to develop and promote national and international policies to combat money laundering and terrorist financing.

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## Industry Expert Expects Procurement Market to Remained Closed Four More Years

Yu An, a professor at Qinghua University who participated in drafting China's [Government Procurement Law](#) (GPL), has said that there is a possibility that China's government procurement market could open to foreign companies after four years, Beijing Business Today [reported](#) (in Chinese) on April 27. According to the article, this step implies that "there remains only four years of protection in the government procurement market for domestic brands." In July 2002, the China Economic Times [cited](#) (in Chinese, via Xinhua) Zhu Shaoping, who was also one of the drafters of China's GPL, as predicting that the "period of protection" for domestic enterprises in China's government procurement market would end by 2005.

When China acceded to the World Trade Organization (WTO) in December 2001, the government made several commitments regarding government procurement which, as set forth in the [Working Party Report](#), included beginning negotiations for membership in the WTO Government Procurement Agreement (GPA) "as soon as possible." China became an observer to the WTO Committee on Government Procurement in February 2002, and China's government [committed](#) to commencing formal negotiations to join the GPA at the plenary session of the 17th U.S.-China Joint Commission on Commerce and Trade, held in Washington, D.C. in April 2006. Yu Guangzhou, vice minister of the Ministry of Commerce, announced on May 16 that China's government planned to start negotiations for its entry into the GPA before the end of 2007, according to a May 17 Xinhua [article](#) (via Ministry of Commerce).

In August 2005, Yu told reporters from the [Economic Information Daily](#) (in Chinese, via the China Finance and Economy News) that opening government procurement to foreign companies is not only an obligation of the Chinese government under its WTO commitments, it also offers advantages for China, including:

- Increased access for Chinese companies to foreign government procurement markets once China becomes a party to the GPA;
- Increased competition in China's government procurement market, which would lead to improved quality and lower costs; and
- Increased regulation of competition in China's government procurement market, which currently lacks uniform administration of goods and services.

According to a November 2005 Xinhua [report](#) (in Chinese), officials are making procurements without prior authorization, and government agencies charged with oversight of procurement are not imposing sanctions. These practices in turn hinder the government's ability to make appropriate budget forecasts for procurement. The article also said that relatively little government procurement currently is open to competitive bidding, and that decentralized and individual agency procurement expenditures were growing much more rapidly than centralized government procurement expenditures.

China's government has launched a series of initiatives to address these and other problems. For example, the Ministry of Finance has launched a four stage program, scheduled to be completed by the end of this year, to address bribery in government procurement, according to an April 2006 Economic Daily [report](#) (in Chinese, via Xinhua). Also in April, the Ministry of Finance established a task force on commercial bribery and launched a hotline for reporting bribery in government procurement, according to an April 2006 Xinhua [report](#) (in Chinese).

242 Ford House Office Building, 441 2nd St. SW, Washington DC 20515  
Phone: 202-226-3766 | Fax: 202-226-3804 | E-mail: [info@cecc.gov](mailto:info@cecc.gov) | Website: [www.cecc.gov](http://www.cecc.gov)