

# 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

### Announcements

#### **Translation: Open Letter in Support of Arrested Advocate Chen Guangcheng**

In June 2006, local authorities in Linyi city, Shandong province, [formally arrested](#) Chen Guangcheng after holding him for three months without charge or trial. Since June, authorities have harassed Chen's lawyers and prevented them from carrying out their legal defense work.

The Commission has translated an [Urgent Plea to the Standing Committee of the National People's Congress, the Standing Committee of the Shandong People's Congress, the Supreme People's Procuratorate, the Shandong People's Procuratorate, the Ministry of Supervision, and the Shandong Supervision Bureau](#), dated July 13, which raises these issues. For additional information, see [Authorities Postpone Trial, Target Relatives and Neighbors of Chen Guangcheng](#) and [Authorities Obstruct Publicity and Legal Defense Efforts in Chen Guangcheng Case](#) below.

### Update on Rights and Law in China

[Human Rights Updates](#)   [Rule of Law Updates](#)   [All Updates](#)

#### **Authorities Postpone Trial, Target Relatives and Neighbors of Chen Guangcheng**

Authorities from the Yinan County Intermediate People's Court have postponed Chen Guangcheng's trial indefinitely, according to a July 19 Chinese Rights Defenders (CRD) [report](#) (in Chinese). Chen Guangcheng is a self-trained legal advocate who drew [international news media attention](#) to population planning abuses in Linyi city, Shandong province in 2005. Local authorities placed Chen under house arrest in September 2005 and [arrested](#) Chen on June 21, 2006.

Court officials postponed Chen's trial in response to the procuratorate's request for additional time to gather evidence, according to a July 21 New York Times [article](#). Court officials first postponed the trial date earlier this month, when they moved it from July 17 to July 20, according to a July 10 Voice of America [report](#) (in Chinese). Court officials notified Chen's lawyers of the second postponement just two days before the anticipated July 20 trial date, and said that they would provide notification of a new trial date three days before it takes place, according to the July 19 CRD report. Article 165 of the [Criminal Procedure Law](#) (CPL) allows for postponement of a trial in the event that the procuratorate requires supplementary investigation. Article 166 of the CPL limits the period of supplementary investigation to one month. Under Article 151(4) of the CPL, court officials are required only to notify the defense "no later than three days" before actual commencement of the trial.

On July 20, unidentified assailants beat and authorities took into brief custody over 10 rights defenders who had gathered outside the Yinan county courthouse to show their support for Chen, according to a July 20 Radio Free Asia (RFA) [report](#) (in Chinese). The rights defenders were part of a group of 200 who had gathered outside the courthouse, according to a July 21 New York Times [article](#). Assailants beat the group of rights defenders, which included lawyer [Gao Zhisheng](#), writer and activist [Zhao Xin](#), and university professor Sun Wenguang, as they posed for a picture outside the courthouse, and seized their camera equipment and other property, according to RFA. Police officers who arrived on the scene released the assailants and took the rights defenders in for several hours of questioning at the local public security bureau, according to RFA. Later that day, unidentified assailants standing guard outside Chen's home village beat Gao Zhisheng, Zhao Xin, and others who tried to deliver gifts to Chen's wife and family. These beatings continue several weeks of official harassment and violence against legal scholars and advocates who have attempted to participate in Chen's criminal defense. Since October 2005, officials reportedly have been [responsible](#) for multiple attacks by unidentified assailants on Chinese citizens who challenge local government abuse of power.

Authorities have targeted Chen's relatives and neighbors for harassment and detention since February.

- On February 5, officials detained Chen Hua, Chen's neighbor and relative, after several hundred villagers [clashed](#) with public security officials while protesting Chen Guangcheng's prolonged house arrest. Authorities released him on February 12.
- On February 13, officials detained Chen Guangdong and Chen Gengjiang for their participation in the

February 5 protest, according to a February 20 CRD [report](#). Officials detained Chen Guanghe on February 23, according to an RFA [report](#) (in Chinese) on the same day. On March 22, officials issued formal arrest warrants for the three, charging them with intentional destruction of property, according to a March 30 CRD [report](#).

- On March 11, officials detained Chen Guangjun and Chen Guangyu together with Chen Guangcheng to investigate them for gathering people to disturb traffic order, according to a March 15 CRD [report](#). According to CRD and a July 20 Associated Press [report](#) (via the Washington Post), the three were on their way to file a police report against four unidentified assailants who had beat Chen Guangyu earlier that day. On April 18, officials released Chen Guangjun and Chen Guangyu on bail to await trial, according to an April 20 RFA [report](#) (in Chinese).
- On June 19, at least 10 unidentified men took Chen Guangcheng's mother, son, and brother Chen Guangfu from a home in Beijing, where they had planned to hold a press conference to publicize Chen's detention, according to the June 20 South China Morning Post [report](#) (subscription required). The men returned the three to Shandong province, where they held them under house arrest, according to a June 21 RFA [report](#).
- The Washington Post [reported](#) on July 21 that authorities are currently holding Yuan Weijing, Chen's wife, under house arrest.

For more information on Chen Guangcheng, see the CECC [Political Prisoner Database](#).

### **Authorities Try Mongol Couple, Assault Son of Imprisoned Mongol Activist**

The Hohhot Intermediate People's Court tried ethnic Mongol physician Naguunbilig and his spouse Daguulaa on June 12 for crimes related to "practicing an evil cult," "printing and distributing illegal publications," "advocating idealism and superstition," and "conducting illegal business," according to a June 20 [report](#) from the Southern Mongolian Human Rights Information Center (SMHRIC). Authorities first [arrested Naguunbilig and Daguulaa on June 7, 2005](#) for engaging in what officials labeled "a Mongol version of Falun Gong" and for holding "illegal gatherings." The SMHRIC reported that the court adjourned the trial on the afternoon of the 12th without issuing a decision.

During the trial, which was open to observers, Xinna, wife of imprisoned Mongol activist Hada, asked the court a question. According to the SMHRIC, she and her son Uiles then attempted to leave the courtroom, but security officers intercepted the pair and placed them in a cell inside the courthouse for "disturbing court proceedings." Authorities reportedly beat Uiles for over 20 minutes while holding him in custody, according to the SMHRIC. Authorities released Xinna after 3 hours in custody, but ordered Uiles to spend 13 days in detention at the Hohhot City Detention Center.

In 1996, the Hohhot Intermediate People's Court sentenced Hada, Uiles' father, to a 15-year prison sentence for the crimes of "splittism" and "espionage" after he organized peaceful protests for ethnic rights in Hohhot. Hada remains in the Inner Mongolia No. 4 Prison in Chifeng, where he reportedly is in poor health, has been denied appropriate medical treatment, and has been subjected to routine physical abuse, according to a 2004 [press release](#) from Human Rights in China.

See the CECC [Political Prisoner Database](#) for more information on cases involving ethnic Mongols. For more information on conditions for ethnic Mongols in China, see related CECC analyses on [Web site closings](#), [land disputes in Inner Mongolia](#), and [Mongol efforts to bar construction of a Genghis Khan theme park](#), as well as Section III(a), "[China's Minorities and Government Implementation of the Regional Ethnic Autonomy Law](#)," in the 2005 CECC [Annual Report](#).

### **Communications Ministry Orders Push to Resolve Unpaid Migrant Wage Claims**

The Ministry of Communications, which oversees China's transportation sector, instructed its provincial-level departments to finish resolving migrant workers' claims for unpaid wages from work on transportation projects by the end of 2006, according to a June 28 Ministry [circular](#) posted on the central government's Web site. The Ministry circular responds to a 2004 State Council decree to resolve all migrant worker wage arrears that have resulted from unpaid debt on government projects. The deadline to conclude payment is December 2006. As of April 19, the Ministry claimed it had resolved 92 percent of the debt claims on transportation projects, a slightly higher rate than for the construction sector as a whole.

The Ministry circular describes a detailed plan for resolving transportation sector debt and migrant worker wage arrears. The circular urges communications department officials at all levels to ensure that construction costs are paid, including unpaid wages to migrant workers, according to the law and contractual obligations. The circular also instructs each provincial communications department to investigate its debt situation to determine the amount of money owed and determine who is responsible for payment. The circular said that provincial departments are directly responsible for monitoring debt repayment.

Overdue payments for transportation projects funded by the central or provincial governments should be made as soon as possible, while local governments should ensure that their debts are repaid by the end of 2006. Officials should also develop mechanisms to manage expense accounts and estimates for transportation projects. The Ministry itself will investigate all provincial communications departments that have large unpaid debts and have been slow in making payments. The Ministry circular directs provincial-level communications departments to deal with subordinate enterprises that refuse to sign or

carry out repayment agreements by making their names public through the news media, strictly limiting their market access and bidding qualifications, and in serious cases, reducing or canceling their business credentials.

Despite the Ministry's assertions of increased vigilance and the circular's emphasis on addressing the fundamental causes of wage arrearages, 260 workers on the new subway line being built in Beijing municipality for the 2008 Olympics have not been paid for more than a year, according to a June 23 [report](#) in the Daily Telegraph. The workers were rural migrants from Shandong province, and they were to be paid 10 yuan (US\$1.25) per day, a low wage rate even by Chinese standards, the report said.

Hong Fuzeng, a member of Chinese People's Political Consultative Conference, called for new laws to protect migrant workers, according to a March 9 China Daily [report](#). Noting that delayed payment of wages is a "major headache" for migrants, the report quoted a 2005 National People's Congress survey finding that about 8 percent of workers in 40 cities surveyed said their wages had been delayed an average of three months during 2004. National People's Congress member Fang Chaogui, who also directs Guangdong province's Bureau of Labor and Social Security, called for criminal penalties against employers who fail to pay workers on time, according to the China Daily report.

Guangdong provincial authorities adopted another solution to the unpaid wage problem by blacklisting 30 enterprises for defaulting on more than 20 million yuan (US\$2.5 million) owed to more than 8,000 employees, according to a June 26 China Daily [report](#). Some experts suggest that companies be required to deposit a certain amount before starting business; when a company defaults on wages, the deposited funds could be used to pay workers, the report said. The Shenzhen Special Economic Zone and other cities have introduced such a system, a court official in Guangzhou city told the reporter.

Shaanxi provincial officials took another approach to the problem by issuing regulations on July 1 that require employers to pay an additional 50 to 100 percent of the total wages owed if they do not pay workers fully within a time limit set by local authorities, according to the June 8 edition of the Xi'an Evening News, reprinted in the June 13 edition of the [China Labour Bulletin](#).

## Officials Defend Appointments of Catholic Bishops Unapproved by the Holy See

Chinese government officials attempted to defend the Catholic Patriotic Association's (CPA) recent consecrations of registered Catholic bishops, according to Chinese press accounts. In [April](#) and [May](#), the CPA coerced bishops to consecrate new bishops who were not approved by the Holy See. The CPA is the mass organization through which the government controls the practice of Catholicism in China by registered Catholics. Responding to the controversy over these consecrations, CPA Vice Chairman Liu Bainian denied that the Chinese government had a political motivation for the consecrations, according to a June 22 [interview](#) (in Chinese) published in Wen Wei Po of Hong Kong. Liu claimed, "We have no political purpose in our self-selection and self-ordination of bishops. Among them, many such bishops are recognized by the Roman Catholic Church as well. We are very happy about it."

Some official statements have implied that the Holy See recognizes these newly consecrated bishops. According to an [announcement](#) (in Chinese) posted July 4 on the State Administration of Religious Affairs Web site, representatives of the Holy See shook hands with and congratulated registered Bishop Ma Yinglin on his consecration during an early July meeting of religious leaders in Moscow. The CPA [consecrated](#) Ma on April 30 under coercive circumstances and without the Holy See's approval. A representative of the Diocese of Hong Kong, however, said that the handshakes were merely good manners and implied no formal recognition, according to a July 18 report in [Sing Tao Jih Pao](#) (in Chinese), a Hong Kong newspaper.

Liu Xinhong, another bishop whom the CPA consecrated under coercive circumstances and without the approval of the Holy See, was featured in two articles in the June 28 edition of Beijing Review, a government-run English-language weekly. An article entitled [Mixed Blessings](#) presented Liu as "spiritually" loyal to the Holy See while acknowledging he was consecrated without its approval. The article quoted Liu as saying, "I would be lying if I said I was under no spiritual pressure to assume the post without papal approval." In the other article, entitled [Celebrating Pentecost](#), Catholics in the Wuhu diocese, where Liu was installed as bishop of Anhui on May 2, are described as satisfied with Liu's appointment. [Reports](#) from April and May, however, suggest that many Chinese Catholics were dissatisfied with the consecrations of Ma Yinglin and Liu Xinhong.

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

## Riot Erupts in Guiyang After Migrant Is Beaten

Hundreds of citizens rioted in Guiyang city, Guizhou province, after a migrant worker lacking a temporary residence permit was beaten on July 10, according to a July 13 Guizhou Metropolitan Daily (GMD) article reprinted on the Xinhua [Web site](#), and an Associated Press article posted on the Washington Post [Web site](#) based on the same GMD report.

The incident started as civilian members of a police auxiliary force were stopping migrant workers in a Guiyang public park on July 10, checking identity papers, and demanding that migrants obtain a temporary residence permit if they lacked one. One such migrant, identified only as Mr. Guo, had no temporary residence permit and refused to pay the fees to purchase one, arguing that he had just arrived in Guiyang on that day. Guo was later found beaten and bleeding, although the reports do not indicate who beat him. Police summoned to the scene attempted to send Guo to the hospital, and demanded

that Guo's relatives and the civilian security personnel accompany them to a police station for questioning. In the ensuing chaos, several hundred people destroyed police vehicles, taxis, and cars belonging to reporters.

Temporary residence permits are a component of the Chinese government's household registration (hukou) system. The system restricts citizens' freedom of residence and also has been the subject of citizen complaints about official corruption. Article 7 of the [Guiyang Municipal Measures On Managing the Temporary Resident Population](#) requires that migrant workers who leave their permanent place of hukou registration to work in Guiyang for a period of more than three days and less than a month must register with public security officials. Those who seek to work in Guiyang for more than one month must apply to public security officials for a temporary residence permit. Under Article 21(5), migrants who refuse to register after being notified by public security officials are to receive "criticism," while those who refuse to apply for a temporary residence permit are to be fined 50 yuan (about US\$6). Chinese citizens have complained about local public security officials extorting additional fees from them while processing their temporary residence permits, according to a January 18 Southern Daily [article](#).

For more information on the Chinese hukou system, see the Commission's [topic paper](#) on the subject, the Commission's [2004](#) and [2005](#) Annual Reports, and the Commission's [roundtable](#) on hukou reform.

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## Authorities Obstruct Publicity and Legal Defense Efforts in Chen Guangcheng Case

[Human Rights Watch](#) and [Boxun](#) both posted on July 19 timelines of events related to the Chinese government's [criminal case against Chen Guangcheng](#). The timelines recount several weeks of continuing harassment and violence against Chinese human rights defenders, including legal scholars and advocates who have attempted to participate in Chen's criminal defense:

### *Obstruction of Attempts By Rights Defenders to Publicize Chen's Case*

- The timelines note that on June 19, authorities prevented rights defenders and Chen's family members from holding a press conference to publicize Chen's case. A June 20 South China Morning Post (SCMP) [report](#) (subscription required) said that the activists cancelled the press conference after the universities employing legal scholars [Teng Biao](#) and [Xu Zhiyong](#) warned the two men not to become involved in Chen's case. The SCMP also reported that more than 10 plainclothes security officers physically blocked AIDS activist [Hu Jia](#) and his wife, [Zeng Jinyan](#), from leaving their home to attend the press conference. According to a June 20 Associated Press [report](#) (reprinted in the Hong Kong Standard), authorities similarly prevented Beijing lawyers [Jiang Tianyong](#) and [Li Heping](#) from leaving their homes. "[W]e're not breaking any laws by telling people about Chen's situation," Li Heping told the Associated Press.
- On June 29, Beijing authorities pressured the organizer of a "Symposium on the Topic of Developing a Healthy Rule of Law Environment Within China" to cancel the event. According to a June 30 Radio Free Asia (RFA) [report](#) (in Chinese, reprinted by the Network of Chinese Human Rights Defenders (CRD)), the symposium was organized to discuss the difficulties faced by Chinese rights defenders, and also to bring attention to Chen's case. Teng Biao, Xu Zhiyong, Hu Jia, and Zeng Jinyan all received invitations to participate. RFA reported that after the cancellation, security officers searched the home of [Han Tao](#), the conference organizer, as well as the conference site, and placed Han under surveillance.

### *Obstruction of Attempts By Lawyers to Meet With Chen*

- The timelines note that on June 21, the date of Chen's formal arrest, lawyers [Zhang Lihui](#) and [Li Jinsong](#) visited the Yanan County Detention Center to meet with Chen. Li's [work report](#) (in Chinese) from that day, posted on Boxun, notes that he received a death threat over the phone in the afternoon.
- On June 23, Li Jinsong and his assistant, [Li Subin](#), visited Chen's home village to meet with Chen's wife, [Yuan Weijing](#), about the possibility of applying for Chen's release on bail. According to a June 24 CRD [report](#) (in Chinese), more than 20 unidentified assailants beat the two lawyers when they attempted to enter the village.
- On July 9, Hu Jia, Zhang Lihui, Li Jinsong, and Li Subin visited Chen's home village to look over court documents, including the indictment, and to meet with Chen so that he could provide his own account of events. The next day, more than 30 unidentified assailants surrounded Hu and Yuan Weijing, according to a July 11 L.A. Times [report](#). The L.A. Times reported that the assailants beat Hu, and that police officers arriving on the scene made no attempt to stop the beating, but instead took away Yuan Weijing for interrogation. Li Jinsong received permission to meet with Chen on July 11.

### *Obstruction of Attempts By Lawyers to Gather Evidence in Chen's Defense*

- The timelines note that on June 27, Li Jinsong, Li Subin, and Hu Jia visited Chen's home village to gather evidence in support of Chen's criminal defense. An unidentified assailant assaulted Li and took his video camera as nearby police officers stood and watched, according to a June 28 SCMP [report](#). In a June 28 RFA [report](#) (in Chinese), Li Jinsong said that unidentified assailants attacked him only after police officers

arrived on the scene. A [video recording](#) (in Chinese, posted by RFA on July 19) shows that several assailants also attempted to overturn Li's vehicle. Hu Jia told the RFA that he witnessed the incident from a second vehicle nearby, and that the assailants overturned Li's vehicle while he and Li Subin were still inside.

- On July 15, Xu Zhiyong and Li Jinsong arrived in Linyi in advance of Chen's originally scheduled trial date. A July 18 RFA [report](#) (in Chinese, reprinted by CRD) noted that both were unable to enter Chen's village to gather evidence in support of Chen's criminal defense.

The government's harassment and violent measures target legal scholars and advocates on the basis of their attempts to participate in Chen's criminal defense, and occur at a time when Chinese rights defenders are increasingly subject to government [repression](#) and control. In recent months, the Chinese government has taken measures to [restrict](#) the activities of lawyers engaged in criminal and civil rights defense. Some of these measures [prohibit lawyers from using the media](#) to bring attention to particularly high-profile cases. In addition, the All China Lawyers Association issued in March a [guiding opinion](#) that requires lawyers to "be cautious" in their contacts with domestic and foreign media, and foreign organizations, and to inform and discuss with the local justice bureau any "mass" cases that they accept. These restrictions run counter to Article 19 of the [Universal Declaration of Human Rights](#) (UDHR) and the [International Covenant on Civil and Political Rights](#) (ICCPR), which states that everyone has the right to impart information and ideas through any media and regardless of frontiers. Although governments may restrict this right for the protection of national security, public order, or public health or morals, Beijing authorities have not indicated that their obstruction of the June 19 and 29 press conferences was for any purpose other than to prevent Chen's supporters from conveying information and opinions on the government's prosecution of Chen.

Since June, Linyi authorities have relied on harassment and violent measures to obstruct the ordinary activities of criminal defense lawyers engaged in their professional practice. In a [plea](#) to the Standing Committee of the National People's Congress, Supreme People's Procuratorate, Ministry of Supervision, and various Shandong provincial agencies, several rights defenders commented: "Such illegal actions violate the professional rights of lawyers and shake the foundation of the nation's administration of justice; they openly and severely challenge the nation's rule of law, and should lead to great caution and resolute resistance by the state and by society." Article 96 of the [Criminal Procedure Law](#) (CPL) guarantees a criminal suspect the right to meet with a lawyer after police interrogation or from the first day of formal detention. Moreover, it provides that the defense lawyer "shall have the right to find out from the investigation organ about the crime suspected of, and may meet with the criminal suspect in custody to enquire about the case." Under Article 36 of the CPL, defense lawyers are allowed access to court documents, including the indictment, as soon as the investigation has ended and the case is transferred to the procuratorate. Article 37 of the CPL ensures that defense lawyers are able to gather information in support of their case from a witness, as long as they obtain the consent of that witness. The actions of Linyi officials disregard the protections guaranteed under Chinese law, and contravene Article 11 of the UDHR, which mandates that a criminal defendant has had "all the guarantees necessary for his [defense]," and Article 14.3(b) of the ICCPR, which requires that he have "adequate time and facilities for the preparation of his [defense] and to communicate with counsel of his own choosing."

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## **Qinghai-Tibet Railway Begins Operation**

President Hu Jintao inaugurated passenger service to Lhasa on the Qinghai-Tibet railway in a July 1 ceremony in Golmud, Qinghai province, according to a Xinhua [report](#) dated the same day. Hu, however, did not join the approximately 600 government officials, model railway workers, and Chinese journalists who were selected to make the first trip from Golmud to Lhasa. The Chinese leader described the railway's completion as "an important expression of the constant increase in the comprehensive national strength of our country," and of "very great significance" to accelerating regional economic and social development and "enhancing ethnic solidarity and consolidating the motherland's frontier defense" (Xinhua, in [OSC](#) 1 July 06). Ragdi (Raidi), an ethnic Tibetan who currently serves as a Vice-Chairman of the National People's Congress Standing Committee (NPCSC), described the railway during its first week of operation as the Tibetan people's "road to heaven." He predicted that the railway would "have a profound and far-reaching historical significance," according to a July 6 Xinhua [report](#).

Official news media reports also rejected the assertions of critics that the railway will result in increased ethnic Han migration into the TAR, or threaten Tibetan culture and the environment. A July 1 Xinhua [editorial](#) dismissed claims that "an influx of the Han people" would lead to Tibetan "cultural genocide," countering that the railway will benefit Tibetans by providing them access to "modern civilization." According to another Xinhua [report](#) the same day, Lhasa mayor Norbu Dondrub said, "Tibetan culture will not disappear when there is market demand for it." He added that, "The Tibetan culture will not have fundamental changes with the opening of the Qinghai-Tibet Railway. On the contrary, it has a bright future." Wu Yingjie, the Vice-Chairman of the TAR government, told foreign reporters that "Tibet's unique natural conditions make it impossible for the Han people and other ethnic groups to settle down here," according to a July 12 Xinhua [report](#). Wu's statement is inconsistent with official Chinese census data that record an increase of Han population in the TAR from 80,837 in 1990 to 158,570 in 2000.

Passenger traffic from Beijing to Lhasa averaged 800 persons per day, or 95 percent of the daily train's capacity, during the first 10 days of operation, according to a July 12 China Tibet Information Center [report](#). During the initial period, however,

the railway did not serve all the routes that [official news media](#) had announced in May. Trains from Shanghai and Guangzhou did not begin service on July 1, as senior railway officials had previously announced, even though tickets on the first trains reportedly were sold out. A June 27 China Daily report (via [Xinhua](#)) commented on the revised schedule, saying, "[A]s we learned yesterday, there will only be three pairs of passenger trains running between Lhasa, capital of the Tibet Autonomous Region, and Beijing, Chengdu/Chongqing, and Xining/Lanzhou during the trial operation period."

Minister of Public Security Zhou Yongkang congratulated the People's Armed Police (PAP), the Public Security Bureau, and the Railway Public Security Bureau on July 4 for maintaining "normal social order" throughout the inaugural period, according to a July 12 [report](#) by the International Campaign for Tibet. Zhou said that the security forces had "strengthened safety and security work in every aspect, guaranteed the celebration and safety of the first train . . . and laid the solid foundation of the safety for the entire line of this railroad in future." At a June 15 [conference in Lhasa](#), Vice President Zhang Jun of the Supreme People's Court said that the courts of the TAR and Qinghai province must be active participants in the "comprehensive management of public security" along the railway. Wang Yibin, the head of the TAR Public Security Department, spoke at the conference about judicial requirements linked to the TAR's "current anti-splittist struggle and public security situation."

## Civil Servant Recruitment in Xinjiang Favors Han Chinese

The Xinjiang Production and Construction Corps (XPCC) will hire 840 civil servants from the Xinjiang Uighur Autonomous Region (XUAR) through its 2006 recruitment exam, of whom 38 will be ethnic minorities and the remainder Han Chinese, according to materials posted June 26 on the XPCC's Personnel Testing Authority [Web site](#). Ethnic minorities make up over 60 percent of the XUAR population, according to statistics cited in a 2003 Tianshan Net [article](#). The positions available include 197 jobs with the public security police, 480 with the prison police, 37 in the court system, and 41 in the justice bureau, as well as positions at other offices within the XPCC.

According to a roster of open positions (available as a [download](#) from the Testing Authority Web site), most of the positions are reserved for ethnic Han Chinese. Of the remaining slots, 26 positions have been designated for Uighur men, 2 for Kazak men, and 1 for a Mongol man. In addition, six positions are available for Uighur or Kazak men, while three positions are open for Uighurs, Kazaks, or Kirgiz of either sex. Of these positions, 22 are with the public security police, 6 are with the prison police, 3 are in the court system, 4 are in the justice bureau, and 3 are in a land and natural resources branch office. According to an [explanation](#) of the rules governing the recruitment process, eligible candidates include school graduates who are XUAR permanent residents, residents of interior provinces who graduated from XUAR schools, university students in a Western Development Project volunteer program, and "all other people who meet the recruiting requirements." These recruiting requirements include upholding national and ethnic unity and [resisting ethnic separatism](#) and [illegal religious activities](#).

The PRC government established the XPCC in 1954 as a means of settling demobilized soldiers and Han migrants to perform border defense functions and to support economic development. The government's [White Paper on the History and Development of Xinjiang](#) says that the ranks of the XPCC are now "a mosaic of people from 37 ethnic groups, including the Han, Uygur, Kazak, Hui, and Mongolian." It describes the XPCC as "a special social organization, which handles its own administrative and judicial affairs" but "in accordance with the laws and regulations of the state and the Xinjiang Uygur Autonomous Region." Article 4 of the PRC [Constitution](#) forbids discrimination on the basis of ethnicity. Nonetheless, recent government hiring in the XUAR [has favored ethnic Han Chinese](#).

For more information on conditions in the XUAR, see section III(a), [China's Minorities and Government Implementation of the Regional Ethnic Autonomy Law](#), and [Religious Freedom for China's Muslims](#) in section III(d) of the 2005 CECC [Annual Report](#).

## NPCSC Examines Implementation of Regional Ethnic Autonomy Law

The National People's Congress Standing Committee (NPCSC) will examine the implementation of the [Regional Ethnic Autonomy Law \(REAL\)](#) from July to September, according to a June 24 Xinhua [article](#) posted on the State Council Information Office Web site. Four NPCSC inspection teams will visit 11 provincial-level areas, while local people's congress standing committees in nine other provincial-level areas will conduct their own inspections of the law's implementation. The article did not specify which areas the inspection teams will visit. On June 23, the inspection teams met in Beijing, where Vice Minister Mou Benli of the State Ethnic Affairs Commission (SEAC) reported on work to implement the REAL, according to a June 28 SEAC [report](#). On July 1, an inspection team began a six-day trip to the Inner Mongolia Autonomous Region to examine the law's implementation there, the SEAC [reported](#) on July 6.

Enacted in 1984 and amended in 2001, the REAL defines ethnic minority rights and outlines the government's system of ethnic minority autonomy. In 2005, the State Council issued [Provisions on Implementing the REAL](#). Article 30 of the Provisions requires that ethnic affairs offices at every level of government monitor implementation of the Provisions and submit findings and recommendations to their local governments each year. The current inspection represents the first annual review of the REAL, according to the Xinhua article.

For more information, see a related CECC analysis on the [Implementing Provisions](#) and section III(a), "[China's Minorities and Government Implementation of the Regional Ethnic Autonomy Law](#)," in the 2005 CECC [Annual Report](#).

## Proposed Criminal Law Amendment to Ban Sex-Selective Abortion Withdrawn

The National People's Congress (NPC) withdrew a proposed amendment to the [Criminal Law](#) that would have penalized sex-selective abortions, according to a June 26 Xinhua [article](#). Parents or medical personnel involved in a sex-selective abortion would have faced fines and up to three years in prison under the proposed amendment. Zhou Kunren, Vice Chairman of the Law Committee of the NPC Standing Committee, announced that NPC Standing Committee members as well as government officials had disagreed over the proposed amendment, according to a June 24 Xinhua [article](#). Some officials opposed the amendment on the grounds that harsh penalties would create a black market in fetal sex determination, that the law could not change the entrenched cultural preference for male children, and that prosecution of offenders would prove difficult.

Officials who supported the proposed amendment cited China's seriously imbalanced male:female birth ratio. This imbalance is the result of a longstanding population planning policy that limits most urban couples to one child, because parents determined to have a son to support them in their old age or to carry on the family name often choose to abort female infants. As a result, China's male:female birth ratio is 119:100, according to the Xinhua report. Demographers and population experts consider a normal male:female ratio to be between 103-107:100. Moreover, the sex ratio imbalance in China may be worsening. The South China Morning Post noted in a June 26 [article](#) (subscription required) that the Chinese government previously had reported a male:female ratio of 117:100. Zhao Baige, Vice Minister of the National Population and Family Planning Commission (NPFPC), told a U.S. reporter that the sex ratio imbalance continues to grow and to create social problems, according to an April 17, 2006 CBS News [report](#).

Article 35 of the 2002 [Population and Family Planning Law](#) prohibits but does not penalize sex-selective abortion. In January 2005, Zhang Weiqing, Minister of the NPFPC, announced that "curbing the increasing sex ratio imbalance is on the top agenda of the government's population work this year" and announced that the government would propose changes to the Criminal Law that would criminalize sex-selective abortion, according to a January 2005 People's Daily [report](#). In December 2005, the NPFPC [reported](#) that the government had submitted a draft amendment to this effect to the NPC. But in April 2006, Xinhua [reported](#) that the proposed amendment had led to a "controversial debate" that left the Standing Committee "sharply divided" and resulted in the proposed measure being withdrawn.

A July 11 Financial Times [article](#) (subscription required) reported that, "Deep divisions have emerged within the Chinese government over how to manage its controversial one-child policy, with the country's population control commission defying domestic legislators with a push to criminalize sex-selective abortions." The report quoted Yu Xuejun, Director of the NPFPC's Department of Policies and Regulations, as saying, "I believe this [sex-selective abortion] is a kind of a crime," that he regretted that the amendment had been withdrawn, and that he would continue lobbying for it. Responding to the concern that criminalizing sex-selective abortions might create a new a black market, Yu said, "All policies have risks... We cannot be deterred because there are risks." Yu also said that the prison terms provided for in the amendment would not have been applied to parents but only to medical personnel.

Reports during July in the state-run press emphasized other means for addressing the sex ratio imbalance, and did not disclose whether the government plans to submit a similar amendment to the NPC in the future. According to a July 11 China Daily [report](#), State Councilor Hua Jianmin re-emphasized that curbing the sex ratio imbalance remained a "top priority," and called for strengthening local implementation of the Care for Girls program, which seeks to raise the social status of women. Hua said that the State Council would dispatch teams to inspect the work and would discipline those who had failed to do it correctly. The China Daily article also quoted Hua as saying that "preferential policies should be ensured for girls and women in health care, education, and employment." In a July 12 Xinhua [report](#), Vice Minister Zhao also referred to the government teams, and said that more than 60 teams already had begun to evaluate sex ratios and trends, as well as the efficiency of measures taken to correct the sex ratio imbalance. A July 13 China Daily [report](#) addressed the sex ratio imbalance in Hebei province, where Vice Governor Sun Shibin said that the imbalance could become a major obstacle to the province's economic development. According to the report, Hebei officials have closed 201 clinics found to have been involved in sex-selective abortion, dealt with hundreds of sex-selection cases, and reduced its sex ratio imbalance from 118:100 in 2000 to 114:100 in 2005.

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

## State-Run Media Highlight Human Rights Abuses and Deaths While in Police Custody

A July 7, 2006, [article](#) (in Chinese) in the Guangming Daily Observer criticized Chinese officials for shielding one another from punishment and thereby allowing the continued abuse of authority in violation of human rights. Gao Yifei, a legal scholar at Southwest University of Politics and Law, argued that the Chinese government has been too lenient in punishing officials who abuse their authority to coerce confessions under torture, acquire evidence through the use of force, or maltreat prisoners. In support of his argument, Gao highlighted several cases in which torture resulted in the deaths of Chinese citizens while in custody. State-run media reported in 2006 that courts imposed criminal sentences of varying lengths on the parties responsible for the deaths in three of those cases:

- A January 24, 2006, Hainan provincial government [report](#) (in Chinese) noted that two public security officials had been sentenced to 10 years' and 8 years' imprisonment, respectively, for beating Liang Guicai, a man accused of fraud in Hainan province, until he died during police interrogation. According to the report, in 2005, Hainan procuratorates filed and investigated a total of three cases of torture province-wide.
- A June 8, 2006, China Court Net [report](#) (in Chinese) noted that two public security officials had been sentenced to 1 year and 12 years' imprisonment, respectively, for beating Tao Xianbi, a woman accused of prostitution in Sichuan province, until she died during police interrogation. According to an April 29, 2004, Xinhua [article](#) (in Chinese), the local procuratorate did not begin investigating Tao's death until July 2003, more than two years after it occurred and only in response to her husband's persistent efforts to petition to the government.
- A July 7, 2006, Beijing News [report](#) (in Chinese) noted that Zhang Shuli, a reeducation through labor (RTL) prisoner and production brigade leader in Huludao city, Liaoning province, was executed in June 2006 for torturing to death a fellow inmate. According to the Beijing News report, seven other prisoners who had taken part in the torture received sentences ranging from five years' to life imprisonment. In addition, a local court sentenced three RTL police officers for allowing the death to occur. The Beijing News report noted that the officers had "instigated" Zhang Shuli to beat fellow inmate Zhang Bin, but the report did not disclose the length of their sentences.

Official use of torture against criminal suspects, defendants, and prisoners violates both Chinese and international law. Article 247 of the [Criminal Law](#) provides for criminal punishment of judicial officers, defined to include law enforcement officers, who coerce confessions under torture or acquire testimony through the use of force. Article 248 provides for criminal punishment of police at prisons and other institutions of confinement who beat or maltreat inmates. In addition, the [Ministry of Justice issued prohibitions in February 2006](#) to restrain prison and RTL police from either beating, or instigating others to beat, inmates. These prohibitions subject prison and RTL police to sanctions ranging from warnings to dismissal or, where the behavior may constitute a crime, to criminal punishment. The Chinese government is further bound by provisions in the [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#) (CAT), which it [ratified](#) in 1988.

Although torture is illegal in China, torture and abuse by law enforcement officers remain widespread. A March 2006 [report](#) by Manfred Nowak, UN Special Rapporteur on Torture, said that the Chinese government's definition of torture under the Criminal Law and administrative regulations does not correspond fully to the international standard as outlined in Article 1 of the CAT. [Provisions](#) issued by the Supreme People's Procuratorate in September 1999 narrow the definitions of "coercing a confession under torture," "acquiring evidence through the use of force," and "maltreating a prisoner," and require procuratorates to file and investigate a case only in a limited number of circumstances. For example, a law enforcement officer must commit the wrongdoing three or more times, or against three or more individuals, before a procuratorate should consider filing the case for investigation. After his [visit to China in late 2005](#), Nowak found that torture is widespread in Chinese prisons, RTL centers, and special psychiatric institutes (*ankang*) for criminal offenders.

For additional information on [Torture and Abuse in Custody](#), see [Section III\(b\)](#) of the CECC's [2005 Annual Report](#).

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## Ministry of Health Releases Measures on Reporting Infectious Disease Information

On June 2, the Ministry of Health issued [Administrative Measures on the Reporting of Infectious Disease Information](#). The measures require that all medical organizations strengthen their systems for infectious disease diagnosis and reporting, train medical personnel in infectious disease reporting, and assist in infectious disease investigations. The measures also mandate prompt reporting of outbreaks and suspected cases of anthrax, highly contagious pneumonia, polio, human cases of avian flu, and other infectious diseases of unknown causes. Such outbreaks must be reported to county-level infectious disease prevention and control organizations and disease reporting networks within two hours of being discovered.

International health organizations and central government officials continue to express concern about slow, inaccurate local-level reporting of avian flu outbreaks among both humans and poultry, despite State Council [regulations](#) that mandate accurate reporting. The Ministry of Health issued a [circular](#) on its Web site on March 20 that warned authorities that cover-ups or delays in reporting cases of human infection could risk spreading the disease. The circular stated that some medical organizations had not promptly reported on "pneumonia cases with unknown causes," and that some local health departments failed to "promptly organize inspection work." A World Health Organization official has also expressed concern about the Chinese government's practice of reporting only confirmed cases of avian flu among humans and urged the Chinese government to act with greater transparency, according to a March 24 Wall Street Journal [report](#) (subscription only). For more information on central and local government efforts to improve transparency in responding to avian flu, see the CECC's February 2006 roundtable [China's Response to Avian Flu: Steps Taken, Challenges Remaining](#).

The National People's Congress Standing Committee is currently considering a draft [Law on Responding to Sudden Incidents](#) which focuses on four types of emergencies: natural disasters, industrial accidents, public order crises, and health

emergencies. Government departments prepared the draft law to address the problems that plagued the government response to the 2003 SARS crisis. For more information on state control of information relating to health, see section III(h)--[Public Health](#) of the Commission's 2005 Annual Report.

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## Confucian Group Campaigns for Government Recognition as a Religion

A Confucian group in Hong Kong is campaigning for Confucianism to be recognized on the Mainland as an authorized religion, according to a May 22 article from [United Press International](#). Currently there are more than 1,600 Confucian temples in China, the article reported, but they have registered with the government as academic institutes. Critics of the campaign for recognition argue that placing Confucianism under China's regulatory scheme for religion would increase controls over Confucianism, the article noted.

The question of whether or not to seek recognition of Confucian beliefs as an authorized religion draws attention to the narrow protections the Chinese government provides for freedom of religion and belief. The Chinese [Constitution](#) and [Regulation on Religious Affairs](#) protect freedom of "religious belief," but provide only limited protections for practices related to such religious belief. In addition, the government recognizes only five belief systems as religions protected under law: Buddhism, Catholicism, Daoism, Islam, and Protestantism. In recognizing these five religions, the PRC government imposed a formal structure over a diverse set of traditions and practices within each belief system and institutionalized them to meet Party and government goals. The government has further consolidated control over religion by imposing registration requirements on religious communities belonging to these five religions. At the same time, while recognized groups are subject to government control, they also receive some protection for their activities that are denied to individuals and groups affiliated with other religions and belief systems.

China's policies contravene international human rights standards, including those in the [Universal Declaration of Human Rights](#) (UDHR) and the [International Covenant on Civil and Political Rights](#) (ICCPR). (China is a signatory to the ICCPR.) Article 18 of both the UDHR and ICCPR guarantee the right to freedom of thought, conscience, and religion. The official [General Comment 22](#) to Article 18 of the ICCPR (available via the University of Minnesota Human Rights Library) states, "The right to freedom of thought, conscience, and religion (which includes the freedom to hold beliefs) in Article 18.1 is far-reaching and profound; it encompasses freedom of thought on all matters, personal conviction, and the commitment to religion or belief, whether manifested individually or in community with others." The General Comment also notes, "The terms 'belief' and 'religion' are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions." In contravention to international human rights standards, the Chinese government does not provide protection for individuals and communities who adhere to religions, spiritual belief systems, or other practices that are outside the five recognized religions. Its system of registration also denies protection to Buddhist, Catholic, Daoist, Muslim, and Protestant communities who choose not to register or whose application to register has been denied.

For more information on religion in China, see related analyses on [Chinese religious regulations](#), [methods of penalizing religious adherents](#), and Section III(d), [Freedom of Religion](#), in the CECC 2005 [Annual Report](#).

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## Qinghai-Tibet Railway Raises Environmental Concerns Despite Protection Efforts

The Qinghai-Tibet railway began passenger service on July 1, increasing concerns about the railway's impact on the ecology of the Qinghai-Tibetan Plateau, according to a July 6 Agence France-Presse (AFP) [article](#) reprinted on the Yahoo Web site. Environmentalists and the Tibetan government-in-exile are concerned that increased tourism could create demand for wild plant or animal products and contribute to waste that can contaminate rivers, according to a June 30 South China Morning Post (SCMP) [article](#) (subscription required). In addition, Tibetan advocacy groups worry that the railway, and the influx of settlers and migrants that the railway will bring, may accelerate development of the area's natural resources and increase environmental degradation, according to a September 2003 [report](#) by the International Campaign for Tibet (ICT).

The Chinese government says that it has taken steps to protect the environment during railway construction and operation. For example, the government has spent 1.54 billion yuan (US\$193 million) on projects to protect the environment, such as the construction of 33 tunnels to allow the migration of the endangered Tibetan antelope and other wildlife, according to the July 6 AFP article and a June 30 Beijing Review [article](#). A July 1 Xinhua [article](#) reports that this sum is the most money allocated to environmental protection for any single railway project in Chinese history. In addition, the government signed environmental protection responsibility pledges with relevant provincial and local governments, according to the Beijing Review article. According to the SCMP article, authorities have taken steps to preserve the marshland along parts of the route and a train will run each week to collect waste.

The government claims to have incorporated environmental protection mechanisms into each stage of construction. Before work could start on a section of the railway, the government required the contractor to provide an environmental protection plan for approval. In addition, government rules required all construction enterprises to designate an independent, third-party environmental protection supervisor who monitored the impact of the project, according to the Beijing Review article and a June 28 Beijing News [article](#) (in Chinese). Engineers re-routed parts of the railway because they were too close to the habitats of certain species, such as the endangered black-necked crane, according to the July 6 AFP article. The State Environmental Protection Administration (SEPA) announced that it will release its project completion environmental

protection inspection survey at the end of August. SEPA also announced it will conduct follow-up Environmental Impact Assessments after the railway has been operating for a few years, according to the Beijing News article.

Environmental groups, often in cooperation with local government agencies, have developed initiatives to educate the public about wildlife conservation and have made plans to conduct follow-up research on the impact of tourism. For example, environmental groups worked jointly with the local forestry bureau to create brochures for train passengers that urge them to avoid buying native animal and plant products, among other suggestions, according to the SCMP article and a June 30 World Wildlife Federation (WWF) [news article](#). Green River, a domestic civil society organization that works on conservation issues, plans to send volunteers aboard the train to educate passengers about the Tibetan ecology through broadcasts, leaflets, and social interaction, according to a July 6 China Development Brief [article](#). In addition, WWF will collaborate with the local development agency to conduct follow-up research on the impact of tourism in the region, according to the SCMP article.

Despite these initiatives, concerns continue about the railway's immediate and future impact on the environment, as well as about the government's ability to enforce environmental protection measures. In the railway's first days of operation, reporters saw discarded supplies such as rubber tires, scrap metal, plastic bags, and bottles along the tracks, according to a July 4 Toronto Globe and Mail [article](#) reprinted on the ScrippsNews Web site. Moreover, critics are skeptical that the government will be able to enforce its promises to protect the environment around the railway, given its record on environment protection in other parts of the country, according to the July 6 AFP article.

Tibetans living outside of China worry that the railway's operation, and the influx of settlers and migrants that the railway will bring, could accelerate the development of mining and logging, as the cost of transporting these commodities to other parts of China will be reduced, according to an August 2001 Tibetan government-in-exile [report](#) and a June 30 ICT [news article](#). Whereas mining operations were previously concentrated in the more accessible regions of the Haixi Mongol and Tibetan Autonomous Prefecture, the railway will provide an easier way for settlers and migrants to reach other areas of the Tibet Autonomous Region and find employment in mineral extraction projects, according to a July 23 AFP [article](#) reprinted on the Sino Daily Web site. According to the ICT report, this development of resources and immigration can result in increased deforestation, land degradation, soil erosion, biodiversity loss, and air pollution.

For more information, see related Commission analysis on the [future sustainability of the railway](#) and the [possible economic and social impact of the railway on the Tibet Autonomous Region](#). See also Section VI - "Tibet," [Culture, Development, and Demography](#) and Section III(g) on [The Environment](#) in the Commission's 2005 Annual Report.

## **Government Censors Focus on Audio-Visual Products with Historical Content**

The Chinese government will increase censorship of audio-visual products relating to major historical events, according to a June 29 a China Industry and Commerce Report [article](#) posted on the State Administration of Industry and Commerce (SAIC) Web site and a June 15 General Administration of Press and Publication (GAPP) [circular](#).

The article said that the SAIC had issued a circular requiring that all SAIC bureaus should begin coordinating with other members of the Sweep Away Pornography and Strike Down Illegal Publications Task Force to "screen out undesirable content from the audio-visual market." According to the article : "recently a large number of audio-visual products with political content have appeared on the audio-visual market . . . and their contents relate to important historical figures and major historical events." The article said SAIC had called for the immediate investigation and confiscation of all "illegal" audio-visual products with contents relating to important historical figures and major historical events.

While it appears the SAIC circular is not publicly available, the SAIC may have been "retransmitting" a [circular](#) which the [Sweep Away Pornography and Strike Down Illegal Publications Task Force](#) issued on June 2. That circular said that "illegal" audio-visual products were "distorting history," and provided a list of several products which it said had been "published and distributed by legitimate publishing houses," but which had "problems with content or orientation," such as:

- Ten Years of the Cultural Revolution;
- The Tiananmen Incident;
- The Truth of Jiang Qing and the "Empress of the Red City"; and
- Such was Lin Biao's Cause of Death.

The GAPP circular began by noting that, under current law, it is illegal to publish on certain topics without registering with the government:

According to the stipulations of the [Regulation on the Administration of Audio-Visual Products](#) and the [Measures for the Registration of Book, Periodical, Audio-Visual, and Electronic Publication Important Topic Selections](#), any content that relates to national security, social stability, and other areas, and any audio-visual production topic selections that might have a relatively significant influence on national security, economy, culture, military, etc., all fall within the category of important topic selections, and must be registered prior to publication.

That circular provided several justifications for the need to eliminate undesirable audio-visual products at this time, including:

- "[M]any audio-visual publishing units are blindly pursuing better sales, or are fond of introducing foreign programs, and are publishing or introducing audio-visual products with important topic selections relating to the Cultural Revolution, major historical events and figures, or important subject matter without authorization that have not been registered, and some audio-visual products content include severe mistakes, and create problems of adverse influence on society."
- "The domain of audio-visual publishing has always been an important ideological battleground for the Communist Party, and strengthening the administration of audio-visual publishing activities affects the entire Communist Party, and the general welfare of the nation, it affects the political stability of the nations, social stability, and cultural security, and we must not lower our guard or become indifferent. "
- "In 2006, there is a relatively large number of major events and memorial days: The 85th anniversary of the founding of the Communist Party, . . . the 30th anniversary of the passing of Mao Zedong, Zhu De, Zhou Enlai, and other leadership figures, the 40th anniversary of the beginning of the Great Cultural Revolution, and 30th anniversary of its conclusion . . . . "

As a result, the circular called on GAPP bureaus to "maintain a clear head" and "strengthen their political sensitivity" with respect to commentary on important historical events and figures.

China's Communist Party does not tolerate the publication of opinions that are inconsistent with its orthodoxy on historical events and figures. In January 2006, Party officials [ordered the China Youth Daily to suspend publication of its "Freezing Point" weekly](#) because it had published an essay regarding Chinese history textbooks that officials claimed contradicted historical facts and violated news propaganda discipline. Freezing Point was allowed to resume publication on the condition that it dismiss Li Datong from his position as Editor-in-Chief, and Lu Yuegang from his position as Deputy Editor. In addition, it had to publish an essay in the first issue of the relaunched Freezing Point weekly to refute the objectionable earlier essay.

Like the SAIC and GAPP, the [State Administration of Radio, Film, and Television](#) (SARFT) restricts the publication of information and ideas that conflict with the Communist Party's orthodoxy on historical events and figures. For example, under its [Circular Regarding Restructuring Inspection and Examination Measures for Important Revolution and Historical Material Movie and Television Projects and Completed Films](#), SARFT requires screenplays that describe "major events and important leaders and their families in Communist Party, government, and military history" to be approved by both the government and the Party. In April 2006 SARFT [issued the Interim Measures on the Administration of the Recording and Notification of Television Program Film Production](#), which removed the previous requirement that television program producers obtain government approval for planned television dramas, but maintained requirements that programs relating to revolutionary history must have government approval.

In a November 2004 [report](#) delivered to the 2004 National Book Publishing Administration Work Meeting, a GAPP official warned:

If publishers are careless about strictly screening topic selection, then serious orientation and quality problems will occur. . . . Therefore, publishers' screening of the selection of topics is not merely a professional matter, but rather is a serious political responsibility. Therefore, topic selection screening is a political system.

For additional regulations imposing government censorship on history and politics, see:

- [Circular Regarding Strengthening and Improving the Work of Recording Important Topics](#)
- [Circular Regarding Further Strengthening the Administration of Relevant Publications](#)
- [Provisions Regarding Strengthening the Administration of Publications Describing Major Party and National Leaders](#)
- [Urgent Circular Regarding Reaffirming the Strengthening of the Administration of Books Reflecting the Work and Life Circumstances of the Major Leaders of the Party and the Nation](#)

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## **New Party Campaign on Morals Reaches Religious Communities**

Ethnic and religious affairs offices from several provinces in China reported in June on local efforts by government offices and patriotic religious associations to instruct religious communities in the socialist concept of glory and shame, part of a new nationwide Party campaign on morals. Termed the "eight glories and eight shames" by PRC President Hu Jintao, the concept describes eight sets of moral guidelines for Chinese society. The guidelines include "taking ardent love for the motherland as a glory and harm of the motherland as a shame," and "taking obedience of discipline and law as a glory and the violation of them as a shame." The Party campaign, launched in March, is designed to address corruption and social disillusionment as China undergoes swift economic and social changes.

The recent training sessions also reflect the government's larger program to maintain control over religious communities in China and promote allegiance to the state. The Communist Party established national "patriotic religious associations" in the 1950s to lead China's religious communities and ensure that religious teachings are aligned to state goals. In addition to carrying out Party-led campaigns and training in patriotism, the patriotic religious associations control such matters as [the](#)

[appointment and education of clergy and other religious personnel](#), [contacts with religious groups outside China](#), the interpretation of religious texts, the content of sermons, and the publication of religious materials. The Islamic Association of China, for example, has been compiling new selections of sermons designed to reflect the "correct and authoritative" view of religious doctrine in line with state policy.

Reporting on the recent training sessions highlighted the "eight glories and eight shames" as a means of promoting a moral foundation for China's religious communities and promoting patriotism:

- The Wujiang city Ethnic and Religious Affairs Bureau, in Jiangsu province, led members of religious circles on a tour of revolutionary monuments in June to study and put into practice the "eight glories and eight shames," according to a June 20 [report](#) posted on the Suzhou city Ethnic and Religious Affairs Bureau Web site. Participants said that the study tour aroused their passion to "love the country and love the Party," according to the report.
- At the end of May, the Ningbo city Ethnic and Religious Affairs Bureau, in Zhejiang province, held a study session on the socialist concept of glory and shame for about 20 leaders from city-level ethnic and religious organizations, according to an [article](#) posted June 12 on the Zhejiang Ethnic and Religious Affairs Commission Web site. Religious leaders quoted in the article described the concept as an important moral foundation.
- The Ethnic and Religious Affairs department from Huangyan District, in Taizhou city, Zhejiang province, instructed religious organizations and venues in the region to launch education in the socialist concept of glory and shame, according to a June 12 [report](#) from the Zhejiang Ethnic and Religious Affairs Commission. The instructions were prompted by a provincial-level circular "Concerning the Launching Among Religious Circles of Study and Discussion Activities Related to the Socialist Concept of Glory and Shame," according to the report. The district Daoist association reported that it would publish information about the concept in its periodical and engage in efforts to raise the "moral quality" of Daoist followers, while the district Buddhist association announced plans to hold ceremonies at the graves of revolutionary martyrs, carry out education in patriotism, and engage in social welfare activities to put into practice the principles of "ardently loving the motherland" and "serving the people." The district's two Protestant associations said they would organize over 100 Protestant followers to visit a revolutionary martyrs' cemetery to carry out education in patriotism.
- The Beijing Municipal Buddhist Association organized a study session on May 30 for leaders from all temples and Buddhist lay circles and set targets for implementing the concept, according to a June 8 [report](#) from the Beijing Municipal Ethnic and Religious Affairs Commission.
- Areas throughout Hebei province have launched educational activities on the concept at venues for religious activities and in ethnic minority areas, in conjunction with other campaigns pertaining to religion and ethnic unity, according to a June 9 [report](#) from the Hebei Ethnic and Religious Affairs Department. Provincial- and lower-level patriotic religious associations reported on their activities to propagate the concept.

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

## Official Discusses Economic Problems Caused by Government's Media Licensing Scheme

Liu Binjie, Deputy Director of the [General Administration of Press and Publication](#) (GAPP) told Chinese state-run television that the exercise of freedom of the press is limited to state-licensed publishers, and that authorities are considering revisions to Chinese publishing regulations to address the economic problems caused by this policy. Liu appeared on China Central Television's "People in the News" on May 19, 2006, a [transcript](#) of which was published on CCTV's Web site on May 22. Liu answered several questions about how the government's allocation of book numbers adversely affects the development of China's publishing industry. Liu's responses included the following three points:

**The Chinese government's use of book numbers does not conform to the original purpose of the International Standard Book Number (ISBN).** According to Liu:

[T]he original intent was that book numbers would not be limited by amount. There was an international association that everyone acknowledged. In the process of China administering [publishing], we created a new quantity concept.

According to the ISBN [Web site](#), there is "no legal requirement to have an ISBN, and it conveys no legal or copyright protection." Under Chinese law, however, it is illegal to publish a [newspaper](#), [magazine](#), or [book](#) without a book number (also referred to as a "national unified publication number"). The GAPP maintains [exclusive control](#) over the distribution of these numbers to local publishers, and thereby over who is allowed to publish. GAPP officials have [explicitly linked](#) the allotment of book numbers to the political orientation of the publisher. According to an April 2005 Beijing News [report](#), some private publishers in China put out over 100 books a year, primarily through the illegal purchase of book numbers.

**The Chinese government needs to reform its publishing regulations to encourage private publishers.** According to the CCTV host:

[W]e no longer discriminate against privately run businesses, and we have all sorts of laws and reports that state this plainly in writing. But as soon as we talk about publications, after all this time of everyone having only considered their relationship to ideology, the result is that private business seems to be a relatively sensitive term. So how can we see the power of private businesses in the publishing industry?

Liu said that book numbers have become commercial commodities, with some publishers not having enough, while others are unable to attract manuscripts and rely on selling book numbers for revenue. It is illegal, however, to publish using a book number that has been allocated to someone else, and the Chinese government has [shut down publications](#) and [imprisoned publishers](#) for "fraudulent" use of book numbers.

Liu did not say that the government is planning to eliminate the book number system, only that it was "currently researching formulating relevant regulations for regulating cooperative publishing." Liu did not elaborate on what "cooperative publishing" would involve. In April 2005, however, state-run media reported that the [GAPP was formulating](#) a policy to allow China's state-owned book publishers to accept private investment through joint venture stock purchases. The same month, the [GAPP approved](#) the establishment of China's first media organization that uses a shareholding system. Shi Feng, another Deputy Director of the GAPP, has said, however, that one of the goals of such reform is to [establish the leadership of Communist Party committees in publishing enterprises](#).

**Only government licensed publishing houses may exercise freedom of the press.** Article 35 of the Chinese [Constitution](#) provides that every citizen enjoys freedom of the press. According to Liu, however:

[W]hy can't we allow privately run businesses to do publishing? . . . Television dramas, television documentaries, books, everyone can write these, but if I want to publicly spread them, when I want to disseminate these to society, then responsibility is necessary. That is to say, what things can be publicly disseminated to society, and what things cannot be disseminated - starting at this point, we entrust publishing houses to exercise the nation's freedom of the press.

Another [report](#) of Liu's interview published in the May 25 edition of Southern Weekend offered a slightly different account of Liu's response, reporting that he added: "Therefore, regardless of whether it is a book on whatever topic commissioned by a Party agency, a social individual, or a working office, they must all be published by a regular publishing house, and foreign countries also do it this way." It is unclear to which countries Liu was referring.

The Chinese government's book number allocation system is a form of prior restraint known as a "licensing scheme," and international human rights standards set forth in the [Universal Declaration of Human Rights](#) and the [International Covenant on Civil and Political Rights](#) uniformly reject such schemes. The constitutions of many countries, including those of Brazil and South Korea, explicitly prohibit licensing schemes. In other countries, such as the United States and India, the right to publish without having to obtain a license is protected through a combination of constitutional and court-made law. In countries that have registration requirements for publishers, such as Sweden and the United Kingdom, the government lacks the discretion to restrict the allocation of book numbers.

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