

CHINA HUMAN RIGHTS AND RULE OF LAW UPDATE

United States Congressional-Executive Commission on China

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Upcoming: CECC Hearing on Prominent Human Rights Lawyer Gao Zhisheng

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CECC News and Analysis

Special Report: Tibetan Monastic Self-Immolations Appear To Correlate With Increasing Repression of Freedom of Religion

This CECC Special Report demonstrates an apparent correlation between increasing Chinese Communist Party and government repression of freedom of religion in Tibetan Buddhist monasteries and nunneries, and 12 instances in 2011 of current or former monks and nuns resorting to self-immolation. Reporting from each of the Commission's 10 annual reports (2002-2011) reveal a trend of deterioration in the environment for Tibetan Buddhism, especially in Tibetan Buddhist monastic institutions. The trend worsened significantly after mostly peaceful political protests swept across

the Tibetan plateau in March and April 2008. The Party and government responded to those protests by intensifying a long-established anti-Dalai Lama campaign; issuing regulatory measures that intrude upon and micromanage Tibetan Buddhist monastic affairs; implementing aggressive "legal education" programs that pressure monks and nuns to study and accept expanded government control over their religion, monasteries, and nunneries; and convening a high-level Party forum to formally establish a coordinated policy on Tibetan issues, including religion, across all Tibetan autonomous areas. All of the Tibetan Buddhist self-immolations except the most recent attempt took place in Sichuan province, outside of the Tibet Autonomous Region (TAR). Commission Political Prisoner Database (PPD) information indicates a higher level of Tibetan political detention since March 2008 in Sichuan than in any other provincial-level area, including the TAR.

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Beijing Court Orders Human Rights Lawyer Gao Zhisheng To Serve Original Three-Year Sentence

Less than a week before missing human rights lawyer Gao Zhisheng's five-year suspended sentence was set to expire, Chinese officials claimed he violated the conditions of his parole, and that he must now serve out his original three-year criminal sentence. Over the course of Gao's five-year parole period, officials have subjected him to intense harassment, including repeated abduction, torture, and forced disappearance. Even with this announcement, the whereabouts and condition of Gao, who has been missing since April 2010, are still not known.

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Authorities Sentence Chen Wei to 9 Years for Posting Pro-Democracy Essays

The Suining Municipal Intermediate People's Court in Sichuan province sentenced democracy activist Chen Wei on December 23, 2011, to nine years in prison for "inciting subversion of state power," in a case reportedly marred by procedural irregularities. The prosecutor's indictment alleged that four essays Chen authored were intended to incite subversion. The essays had been posted on overseas Web sites and had discussed democratic reform and human rights in China.

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Authorities Loosen Some Restrictions on Chen Guangcheng and Family, Continue To Hold Them Under Tight Control

In recent weeks, local authorities in Linyi county, Shandong province, reportedly have loosened some measures used to control rights defender Chen Guangcheng, whom they have held with his wife, daughter, and mother in extralegal detention in their home since September 2010. While in detention, the family has been subjected to beatings, round-the-clock surveillance, and other forms of harassment. Despite reported relaxation of certain controls on Chen and his family, authorities continue to hold them under strict control and continue to block access to individuals who attempt to visit Chen's village.

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Authorities Try Human Rights Activist Ni Yulan, Verdict Pending

Authorities tried human rights lawyer Ni Yulan and her husband Dong Jiqin on December 29, 2011, on charges of "picking quarrels" and "fraud." The court reportedly is considering the defense's request for access to new evidence. If convicted, Ni could face a lengthy sentence and the possibility of life imprisonment. Since 2002, authorities have repeatedly subjected Ni to intense harassment, including physically crippling her, revoking her license to practice law, and detaining and imprisoning her.

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Gansu and Shandong Provinces Issue New Regulations on Religion

Since China's national Regulation on Religious Affairs entered into force in 2005, a number of provincial governments have followed suit with new or amended local regulations on religion. In some respects, new regulations from Shandong and Gansu provide more clarity, legal protections, and consistency than the older regulations they replace, but all within the restrictive framework of China's controls over religious practice. Such framework offers some limited protections but falls far short of international standards for religious freedom. The regulations also codify more extensive controls over religious practice in some regards, and many legal protections are limited to groups and venues registered with the government. The regulations differ from each other in some respects, reflecting a trend in variation

among provincial regulations, even as local regulations on religion move toward greater uniformity with the national regulation.

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Officials Discourage and Prevent "Independent Candidates" From Getting on Official Ballots in Local People's Congress Elections

During the latest round of local people's congress elections taking place in staggered fashion across China from May 2011 to December 2012, central and local officials are discouraging and preventing potential "independent candidates," i.e., candidates nominated by citizens rather than by the Party or by state-affiliated organizations, from getting on official ballots. Citizens are allowed to vote for people's congress delegates only at the lowest levels. Some developments during candidate nomination processes in this latest round do not seem to reflect the spirit of the national election law, highlight contradictions in the national election law, and illustrate continuing challenges to free and fair elections in China. Some local officials reportedly have arrested, detained, and monitored potential "independent candidates," as well as pressured their families, employers, and nominators, and obstructed nomination processes.

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Local Officials in Xinjiang Continue Curbs over Religious Practice

Controls over religion in the Muslim-majority region of Xinjiang remain among the harshest in China, and local governments have reported continuing steps to tighten curbs over religious practice. In recent months, several local governments have reported carrying out measures to prevent women from veiling or wearing other apparel deemed to carry religious connotations and to prevent men from wearing large beards, practices authorities have associated with "backwardness," "extremism," and "illegal religious activities." Some local governments also reported increasing controls over women religious specialists known as būwi. Regionwide, authorities have described continuing steps to target "illegal" religious publications in censorship campaigns.

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Dalai Lama Rejects Communist Party "Brazen Meddling" in Tibetan Buddhist Reincarnation

In a September 24, 2011, signed statement, the Dalai Lama rejected Communist Party attempts to use historical misrepresentation and government regulation to impose unprecedented control over one of Tibetan Buddhism's most important features—lineages of teachers (*trulkus*), whom Tibetan Buddhists believe are reincarnations, that can span centuries. The Dalai Lama addressed issues pertaining to reincarnation generally and to his potential reincarnation specifically, likely rendering the statement of exceptional significance to Tibetan Buddhists. He denounced the Chinese government's "Order No. 5," a reference to the PRC Measures on the Management of the Reincarnation of Living Buddhas in Tibetan Buddhism, as "outrageous and disgraceful," and provided a historical basis for rejecting government and Party claims that Tibetan Buddhists selected the 9th through 14th (current) Dalai Lamas in compliance with instructions in a Qing imperial edict. The Dalai Lama's statement explained briefly the Tibetan Buddhist concepts of reincarnation and "emanation"—the latter suggests that the Dalai Lama could establish a successor while he is still living. He concluded by declaring that when he is about 90 years old—he is 76 now—he will take measures to resolve whether or not there will be a 15th Dalai Lama; by condemning Party interference in Tibetan Buddhist reincarnation; and by stating that in the future it will be "impossible" for Tibetan Buddhists to "acknowledge or accept" such "brazen meddling."

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China's White Paper on Corruption and Official Anti-Corruption Efforts

The State Council of China issued China's first white paper on corruption titled "China's Efforts to Combat Corruption and Build a Clean Government" in late December 2010, amid an official "anti-corruption storm," high-profile arrests of corruption suspects, and ongoing announcements of new anti-corruption measures. While the white paper did not outline new policy directions, it gave unusual attention to citizen participation in anti-corruption efforts. Over the last few months, central authorities also promoted in the media official channels for citizens to report possible instances of corruption and outlined protections for whistleblowers in government circulars. Whistleblower protections, however, remain inadequate in practice and some non-governmental Web sites that posted reports on alleged corruption have faced cyber attacks and authorities have threatened to close Web sites or warned some webmasters to shut down their sites.

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Xinjiang Draft Legal Measures Promote Hiring Ethnic Minorities, Against Track Record of Employment Discrimination

New draft measures on employment promotion, under consideration in Xinjiang, stipulate measures to prevent discrimination and promote the hiring of non-Han ("ethnic minority") groups in the region. The measures track China's national employment promotion law, but also stipulate subsidies for hiring ethnic minorities. Such subsidies are absent in the national law and employment promotion regulations in other provincial-level areas. If passed, the impact of the draft measures remains unclear, however, as previous laws and regulations already bar discrimination and have failed to prevent hiring practices in Xinjiang that discriminate against job candidates based on factors including ethnicity and sex.

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2011 Crackdown Update: Ding Mao, Chen Wei, and Ran Yunfei

Prosecutors twice transferred the cases of democracy advocates Ding Mao and Chen Wei back to public security officials for supplementary investigation, both first detained in the widespread February 2011 crackdown in China and formally arrested shortly thereafter. In both cases, PSB officials have completed their supplementary investigations and requested indictments from prosecutors for the third and final time. Authorities have not responded to or have not granted family requests to release Ding and Chen on bail. Authorities also denied Ding and Chen access to their lawyers, in Ding's case for the first six months of his detention, and in Chen's case for nearly seven months. In another case involving a citizen detained in the crackdown, Chengdu authorities have released Ran Yunfei on bail pending trial and placed him under "residential surveillance."

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Jiangsu Authorities Order Unregistered Pastor To Serve Two Years of Reeducation Through Labor

In late July 2011, authorities in Suqian city, Jiangsu province, ordered pastor Shi Enhao to serve two years in reeducation through labor (RTL) in connection to his activities as an unregistered pastor, including setting up churches and holding gatherings that authorities deemed illegal. Public security authorities in Jiangsu have harassed or detained Shi several times since March 2011. Shi is a leader in a network of unregistered Protestant congregations whose members associate across multiple provinces, and the RTL order came during a time when official sensitivities were heightened toward members of unregistered Protestant congregations.

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Uyghur Political Prisoners Mehbube Ablesh's and Abdulghani Memetemin's Prison Sentences Expire

The prison sentences of two Uyghur political prisoners in Xinjiang have expired, and both are presumed to have since been released. Mehbube Ablesh completed a three-year prison sentence for "splittism" around August 2011. Authorities handed down the prison sentence in apparent connection to her criticism of Chinese government policies, including Mandarin-focused "bilingual" education. Abdulghani Memetemin completed a nine-year prison sentence in late July for "supplying state secrets" to an overseas group. He had sent information on human rights abuses and translations of Chinese government speeches to an organization in Germany that monitors rights violations against Uyghurs. Other Uyghurs in Xinjiang continue to serve prison sentences for exercising their right to free expression.

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Xinjiang Students Continue to Harvest Cotton, Directive Allows Child Labor

Education authorities in Xinjiang have continued to require students to pick cotton during the fall harvest, in some cases violating permitted parameters for "work-study" programs as stipulated in local directives, as well as contravening domestic and international standards regulating students' work activities and prohibiting child labor. Xinjiang authorities announced in 2008 that students in junior high and lower grades would no longer pick cotton in work-study programs, but issued a directive in 2009 that appears to affirm that younger students may continue to engage in cotton harvesting and other labor as part of work to "help with agriculture," despite the prohibitions against child labor in Chinese law. Reports from the past year indicate that some localities used these younger students to harvest cotton. Xinjiang high schools and colleges continued to make older students pick cotton in work-study programs, in some reported cases exceeding the permitted time period for work-study under local directives and in

one reported case levying fines on students who didn't meet quotas. Work-study programs and cotton-picking activities have drawn complaints from students and parents due to the hazards of the work and effect on children's education. The use of student labor this year comes as the region reported difficulties in recruiting regular agricultural workers to pick cotton.

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243 Ford House Office Building, 441 2nd St. SW, Washington DC 20515

Phone: 202-226-3766 | Fax: 202-226-3804

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