

CHINA HUMAN RIGHTS AND RULE OF LAW UPDATE

United States Congressional-Executive Commission on China

Representative Christopher Smith, Chairman | Senator Sherrod Brown, Cochairman

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Statement of CECC Chairman Christopher Smith and Cochairman Sherrod Brown on the Trial and Sentencing of Chen Kegui—November 30, 2012

Today we are deeply dismayed to learn that authorities have sentenced Chen Kegui, nephew of renowned legal advocate Chen Guangcheng, to more than three years in prison, in a trial marred from beginning to end by glaring procedural violations. Authorities' treatment of this case raises serious questions about the rule of law in China. [Click here for full statement.](#)

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CECC News and Analysis

Chinese Censors Limit Online Content for the 18th Party Congress

In the months leading up to and during the 18th Party Congress—which began on November 8, 2012—Chinese official censors took bold steps to limit political debate and control free expression on the Internet. According to news reports, Internet users and Western media organizations faced frequent Web site blockages and experienced heightened sensitivity over a range of political topics. In some instances, China reportedly took unprecedented steps to block online content, including blocking Google services. In another reported incident, Chinese officials blocked the New York Times Web site after the newspaper published an investigative article detailing Premier Wen Jiabao's family fortune and business networks.

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Beijing Authorities Detain Blogger for Satirical Tweet About 18th Party Congress

In early November 2012, Beijing public security officials reportedly detained businessman and prominent blogger Zhai Xiaobing for allegedly posting a joke on a social networking site about the highly anticipated 18th Party Congress. The

post, which referenced the "Final Destination" horror film franchise, suggested that the Great Hall of the People would collapse on Party delegates at the upcoming event. Officials later revealed that Zhai was being investigated for "spreading terrorist information," a criminal charge that can carry a maximum penalty of five years imprisonment. The detention—during a period of heightened sensitivity and increased censorship—sparked concern for the blogger's welfare and led to an online petition requesting Zhai's "unconditional release."

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Family Members and Supporters of Li Wangyang Detained and Harassed

Family members and supporters of labor activist and 1989 Tiananmen protester [Li Wangyang](#) continue to face arbitrary detention and restrictions on freedom of movement and communication following Li's death in June 2012. While reports indicate that authorities released some supporters in November 2012, others remain unaccounted for and at least two activists have been criminally prosecuted for their involvement in Li's case. Chinese authorities' actions contravene protections guaranteed in Chinese and international law. Continued restrictions on Li's supporters and family members also illustrate official apprehension over both his case and the calls both within and outside of China for a transparent inquiry into his death.

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NGOs Continue To Document Poor Working Conditions in Chinese Factories

In recent months, several international and Hong Kong-based labor NGOs have issued reports documenting labor violations at factories in China producing electronics and other goods for well-known brands such as Apple, Samsung, Mattel, Motorola, LG, Disney, McDonald's, and Hasbro. In some cases, reports continue to document poor working conditions at factories previously cited for violations. The reports highlight the lack of enforcement of Chinese labor laws and the absence of effective mechanisms to advocate on behalf of Chinese workers.

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State Council Issues Decision To Abolish or Revise Certain Administrative Licenses

In October 2012, the State Council issued its decision on abolishing or revising a batch of administrative licenses, or examinations and approvals. The decision, which covers a total of 314 items, is the sixth batch of cuts to administrative examinations and approvals since the government initiated the reform of the administrative approval system in 2001. According to the Chinese press, the reform's goal is to improve the environment for social and economic development and to curb corruption. Foreign investors increasingly have problems obtaining the administrative licenses they need to do business in China.

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Officials Give Environmentalist Liu Futang a Suspended Three-Year Sentence for Exposés

Former forestry official and environmentalist, Liu Futang received a three-year suspended sentence and a fine for allegedly engaging in "illegal business activities" linked to his self-publication of environmental exposés that may have embarrassed local government leaders.

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Authorities Heighten Persecution of Detained Mongol Rights Advocate's Wife and Son

Authorities in Hohhot, Inner Mongolia (IMAR), tightened restrictions on the freedoms of movement and communication of Xinna, the wife of 56-year-old detained Mongol rights advocate Hada, and the couple's son, Uiles, between October and December 2012. The heightened restrictions began after Xinna spoke to Western media and rights groups about Chinese authorities' treatment of Hada in extralegal detention and his deteriorating mental condition. Both Xinna and Uiles reportedly remain under home confinement. Hada remains in official custody without apparent legal basis, despite the expiration of his 15-year prison sentence on December 10, 2010. As noted in the Congressional-Executive Commission on China [Political Prisoner Database](#), authorities imprisoned Hada after he organized peaceful protests for Mongols' rights in 1995. Hada's continued extralegal detention underscores the repercussions Mongols have faced from the Chinese government for promoting their rights and seeking to preserve their culture, language, and pastoral livelihoods.

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Authorities Sentence Chen Kegui in Trial Marred by Procedural Violations

On November 30, 2012, the Yinan County People's Court in Linyi city, Shandong province, tried and sentenced Chen Kegui, nephew of prominent legal advocate Chen Guangcheng, to three years and three months in prison for "intentional

injury." Chen Kegui wielded knives against local officials in April 2012 when they broke into his home after discovering Chen Guangcheng had escaped from illegal home confinement. According to supporters, Chen Kegui's case has been marred by procedural violations since authorities detained him in May.

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Democracy Advocate Cao Haibo Sentenced to Eight Years for Subversion

Chinese authorities sentenced democracy advocate Cao Haibo to eight years' imprisonment on the charge of "subversion of state power" for creating online discussion groups and sending text messages relating to democratic reforms and the philosophies of Sun Yat-sen, founder of the Nationalist Party (Kuomintang). Cao's trial was marred by procedural issues, and his sentence disregards international norms and PRC Constitutional principles. His verdict also demonstrates the continuing trend of harsh sentences for democracy advocates.

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Communist Party Holds Significant Party Congress In November, Selects Top Leaders

The Chinese Communist Party 18th Party Congress, which meets every five years, will open on November 8, 2012. The Congress is significant for several reasons. At the Congress, the Party chooses the Party's top leadership. China's political system is authoritarian based on one-party rule, so Party leaders become leaders of the country. Despite official claims that "elected" delegates to the Party Congress choose members of two top Party leadership bodies, China's leaders in practice are chosen by a select number of incumbent top Party officials through a non-transparent and largely undemocratic process which is contrary to international human rights standards. The Party also will issue a "political report" at the Congress that reportedly strives to "establish ideological guidelines and the political resolutions of the collective leadership." Typically, there has been some limited input by non-Party members during the drafting stages of the report, but debates over ideology and policy direction have been non-transparent. In addition, the Congress will likely amend the Communist Party's constitution.

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NGOs Report Harsh Conditions at Chinese Factories Making Popular Electronics

In recent months, several worker rights NGOs have issued reports documenting poor working conditions at factories in China producing electronic products for well-known brands such as Apple, HP, Nokia, Dell, AT&T, and Motorola. The reports underscore Chinese workers' inability to form independent unions to advocate for their rights and lack of enforcement of Chinese labor laws.

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State Monopoly of Environmental Quality Monitoring and Reporting: State Secrets and Environmental Protection

Chinese authorities appear poised to strengthen barriers, through revisions to monitoring regulations, to non-governmental efforts to independently monitor and report on environmental quality. This development along with the June 2012 official public rebuke of U.S. officials for U.S. monitoring and reporting of PM2.5 air pollutants highlight official control over environmental quality information and suggest that such information is sensitive. Chinese authorities have cited the need for quality control over monitoring data; officials, however, also consider some environmental data as "secret."

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Authorities Suppress Calls for an Official Accounting in Lead-Up to 23rd Anniversary of Crackdown on 1989 Protests

In the lead-up to the 23rd anniversary of Chinese authorities' violent suppression on June 3-4, 1989, of protests in Beijing and other cities in China, Chinese citizens continued to call for an official accounting of those events and for a re-evaluation of the "verdict" of the protests as a "counterrevolutionary riot." Authorities responded by restricting the movements of people attempting to hold memorial events. Officials also continued to censor references to June 4 on the Internet. In recent months, Chinese officials have also continued to impose harsh sentences on citizens who have peacefully advocated for democracy.

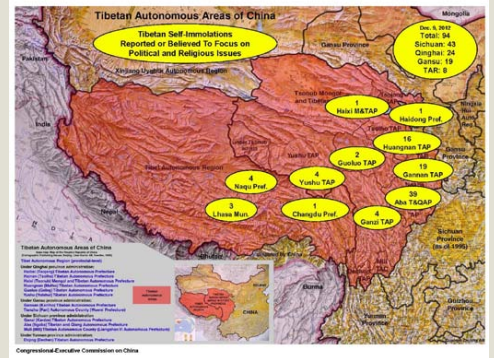
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Update on Self-Immolations in China

The Commission noted in a [special report](#) in August 2012, that the frequency, geographic spread, and diversity of Tibetans who reportedly have committed self-immolation had increased—a trend that continued. In November alone, there were 28 reported self-immolations, the highest of any month.

The accompanying map provides updated self-immolation information current as of December 9—the most recent self-immolation on which the Commission has observed reports as of January 2, 2013. In a significant shift, the profile of the self-immolators has changed from a majority who were current or former monks located in Sichuan province, to a majority who were laypersons located outside of Sichuan province. As of December 9, 2012, the total number of Tibetan self-immolations carried out as political or religious protests reached 94—81 of them reportedly were fatal. As of December 9, 50 of the 94 self-immolators reportedly were laypersons; 51 of the self-immolations reportedly took place in Qinghai and Gansu provinces and the Tibet Autonomous Region.

To see full-sized map click [here](#).



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

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

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