

# China Human Rights and Rule of Law Update

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## United States Congressional-Executive Commission on China

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

### Message from the Chairman

#### World Press Freedom Day

May 3<sup>rd</sup> marks World Press Freedom Day. In the United States, the Constitution's First Amendment and two centuries of democratic governance have enshrined freedom of the press as a fundamental right enjoyed by all Americans. Throughout the world, democratically elected governments recognize that freedom of the press is a fundamental human right and a powerful antidote to government abuse of power.

In China, however, government censorship denies Chinese citizens the freedom of press guaranteed them in their Constitution. Chinese journalists who provide news to foreigners, such as Zhao Yan and Shi Tao, are imprisoned. Editors of publications that criticize government policies, such as Yang Bin of the Beijing News and Li Datong of the China Youth Daily, are fired. The broadcasts and websites of foreign news organizations, such as those of Radio Free Asia, the Voice of America, and the BBC, are blocked. In 2005, China's government banned 79 newspapers and confiscated almost one million "illegal" political publications. Today is the one year anniversary of this Commission's website being blocked in China.

China's leaders must recognize that inflexibility, secretiveness, and a lack of democratic oversight now pose the greatest challenges to continued development. Popular frustration, especially with official corruption, seems to be growing. Without effective channels to voice their grievances and protect their economic and civil rights, Chinese citizens often have little choice but to take to the streets. Such a result can only undermine China's progress. Freedom of the press is a primary means for keeping officials accountable to the citizens they serve. It is an essential building block for any long-term and successful system of government.

### Announcements

#### Roundtable: The Lot of Chinese Workers: Do China's Labor Laws Work?

The Congressional-Executive Commission on China held another in its series of staff-led Issues Roundtables on April 11 entitled [The Lot of Chinese Workers: Do China's Labor Laws Work?](#) The panelists were Han Dongfang, Director, China Labour Bulletin, and Robin Munro, Director of Research, China Labour Bulletin.

#### Translation: Measures on the Registration of Venues for Religious Activity

Under Chinese law, no one may establish a place of worship without government approval. The Congressional-Executive Commission on China has prepared an English translation of the [Measures on the Examination, Approval, and Registration of Venues for Religious Activity](#), issued by the State Administration for Religious Affairs on April 21, 2005.

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

Although Chinese government control over the economic and social life of its citizens has receded since the late 1970s, Chinese authorities continue to restrict the development of an independent civil society in China. The Congressional-Executive Commission on China has prepared English translations of two Party circulars and two regulations establishing these controls.

- [Circular on Strengthening the Management of Social Organizations and Non-Governmental, Non-Commercial Enterprises](#), issued by the Central Party Committee and State Council in 1996;
- [Circular on Strengthening the Management Of Civil Society Organizations](#), issued by the Central Party Committee and State Council in 1999;
- [Regulation on the Registration and Management of Social Organizations](#), issued by the State Council in 1998; and
- [Temporary Regulation on the Registration and Management of Non-Governmental, Non-Commercial Enterprises](#), issued by the State Council in 1998.

## Update on Rights and Law in China

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### **Chinese Government Selects Catholic Bishops Over Holy See Objections**

The Catholic Patriotic Association (CPA), which controls China's registered Catholic community, consecrated two bishops without obtaining the Holy See's approval of the candidates, according to Chinese and foreign press accounts. On April 30 the CPA consecrated Ma Yinglin to be the bishop of Kunming diocese in Yunnan province, and on May 2 Liu Xinhong to be the bishop of Anhui diocese in Anhui province. Before the consecrations, Catholic clerics in and outside China asked CPA leaders to postpone the consecration and requested the candidates not to go through with the consecrations. Some registered Catholic bishops and priests refused to participate in the consecrations, while others were sequestered and put under intense pressure to participate, according to [April 29](#), [May 1](#), [May 2](#), and [May 3](#) reports by the Union of Catholic Asian News and [April 28](#), [April 29](#), May 2 (report [#1](#) and [#2](#)), and [May 3](#) reports in AsiaNews. On May 1, Joseph Cardinal Zen of Hong Kong issued a [statement](#) on the Web site of the Hong Kong Sunday Examiner, in which he said that the Patriotic Association dominates the registered Catholic community "through pressure, threats and, it seems, also deceit..." Noting the reports of renewed contacts between the Holy See and the Chinese government on normalization of relations, a May 1 editorial in the [South China Morning Post](#) (SCMP) (subscription required) called the CPA moves "an unnecessarily provocative act... the diplomatic equivalent of a slap in the face."

The consecration of bishops without the Holy See's approval followed an indication by a senior Chinese official of a less rigid policy. An April 3 [report](#) in the People's Daily characterized Ye Xiaowen, Director of the State Administration for Religious Affairs (SARA), as suggesting that the Chinese government might show some flexibility on whether the CPA or the Holy See has the right to select Catholic bishops. The People's Daily quoted Ye as saying that the issue "may be open to consultation." Ye further said that the Chinese government and the Holy See have been in contact about normalizing relations, though "it is hard to set a timetable."

The Chinese government founded the CPA in the 1950s to create a national Catholic Church independent of the Holy See, and the CPA has long asserted the right to consecrate bishops without the Holy See's approval. Throughout the world, the Holy See reserves to itself the right to select candidates for consecration as bishops. According to Canon 1382 of the [Canon Law](#) of the Catholic Church, a bishop who administers or accepts consecration as bishop without the approval of the Holy See incurs excommunication.

Since the 1950s, two Catholic communities have existed in China: a registered community that accepts the CPA's supervision and control, and an unregistered community persecuted by the government for its refusal to do so. The Holy See has sought since the 1990s to unite the two communities by legitimizing the consecration of many CPA-registered bishops. Although the Chinese government has insisted in public on its right to select Catholic bishops without the Holy See's involvement, Catholic bishops and news agencies abroad claim that the government has acquiesced in the Holy See's involvement in the selection process. For example, in June 2005, [Xing Wenzhi](#) was consecrated as the registered auxiliary bishop of Shanghai, evidently after quiet consultations between registered clerics from Shanghai and the Holy See; and the diocese of Hong Kong announced that a bishop for the registered community of Suzhou diocese in Jiangsu province was consecrated with Holy See approval as recently as [April 20](#), 2006. The Holy See views the issue of its authority to select bishops as particularly important today, since many Catholic bishops are elderly, a number have died since 2000, and their successors have not yet been selected and consecrated, explains Sister Betty Maheu in an [article](#) reprinted by the Holy Spirit Study Centre of Hong Kong.

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

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### **High Commissioner for Refugees Visits China, Objects to North Korean Repatriation**

On March 23, Antonio Guterres, the UN High Commissioner for Refugees (UNHCR), concluded a three-day visit to China, during which he expressed his "clear objections" to news that the Chinese government had repatriated a North Korean refugee in breach of its obligations under the [1951 Convention and 1967 Protocol Relating to the Status of Refugees](#) (1951 Convention), according to a March 23 [press release](#) available through the Web site of the UNHCR. Guterres, the first UNHCR to visit China in nine years, met with Chinese officials to discuss the government's responses to population displacement across international borders and its efforts to establish a system of political asylum.

Guterres reported in his March 23 press release that his agency is "in close contact" with China's State Council, which is currently drafting national refugee regulations. Guterres said that his agency would be "fully engaged in supporting the Chinese authorities to make sure that this legislation is in full compliance with international law." Article 33 of the 1951 Convention, which China [acceded](#) to on September 24, 1982, stipulates that states may not expel or force a refugee to return to a place where his life or freedom would be threatened on account of his race, religion, nationality, membership in a particular social group, or political opinion.

Although Guterres commended the Chinese government for a "very open attitude of dialogue" during his visit, statements by both parties suggest that they continue to disagree on the classification of North Koreans in China. At a March 21 press

conference, Ministry of Foreign Affairs spokesperson Qin Gang [reiterated](#) the Chinese government's position that all North Koreans in China are "illegal migrants" and not refugees. In his press release, however, Guterres affirmed that the 1951 Convention classifies as "refugees" North Koreans who risk persecution upon return to their country of origin. In February, Vitit Muntarbhorn, the UN Special Rapporteur for North Korean human rights, similarly [urged](#) the international community to recognize the broader definition of "refugee," which would include North Koreans who flee their country for any reason, and possess a well-founded fear of persecution upon repatriation. A November 2002 Human Rights Watch [report](#) on North Koreans in China [noted](#) that Chinese officials forcibly repatriate North Korean defectors pursuant to a 1986 [border protocol](#) between the two governments. Upon return, North Korean defectors are subject to severe criminal punishment.

In February, Chinese officials repatriated North Korean asylum seeker Kim Chun-hee, whose true name is Lee Chun-shil, according to reports by the [Korea Times](#) and [Chosun Daily](#). Authorities detained the woman on December 2, 2005, outside a Korean international school in Beijing where she was posing as a Korean mother seeking enrollment for her children. A Korean international school in Dalian had previously turned her away when she sought shelter from the school's administrators in November 2005. Administrators at an international school in Tianjin [turned away nine North Koreans](#) seeking safe passage to South Korea in September 2005. According to both reports, the Chinese government's policy has been to repatriate North Koreans who enter international school premises. In a March 30, 2006, [statement](#), the White House expressed "grave concern" over China's repatriation of Kim and called upon the Chinese government "not to return North Korean asylum seekers without allowing UNHCR access to these vulnerable individuals."

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

### **Imprisoned Labor Leader Li Wangyang Eligible for Parole on May 6, 2006**

Imprisoned labor leader Li Wangyang becomes eligible for parole on May 6, after having served half of a 10-year sentence for "incitement to subvert state power," a crime under Article 105 of the [Criminal Law](#). Li was tried on May 6, 2001 and sentenced on September 20, 2001, according to the [China Labour Bulletin](#).

A former factory worker in Hunan province, Li established and chaired the Shaoyang Workers' Autonomous Federation in Shaoyang city, Hunan province, in May 1989. At the time, he was arrested, charged with counterrevolutionary propaganda and incitement, and sentenced to 13 years in prison. Released in July 1996 on medical parole, Li was imprisoned again in early 1997. After an early release in June 2000, Li began a hunger strike to obtain compensation for being mistreated in prison. He alleged that prison officials beat and underfed him, resulting in lung, heart, respiratory, and eye injuries. Li was arrested again in his hospital bed on May 6, 2001, during his hunger strike, and charged under Article 105, according to [Prima News](#). In addition to Li's own travails, a sister, Li Wangling, was sentenced to three years of reeducation through labor for helping to publicize her brother's demands.

Under Article 81 of the Criminal Law, officials have discretion to grant parole to a prisoner after he or she has served half of a fixed term of imprisonment. A prisoner has a strong case for parole if he or she has observed prison regulations, accepted education and reform through labor, showed repentance, and will no longer cause harm to society. Under Article 44 of the Criminal Law, this term is calculated from the date of detention if the prisoner has been held in detention before the court judgment takes effect. As a result, Li becomes eligible for parole on May 6, 2006.

### **NPC, CPPCC Delegates Call For Labor Law Changes to Address Migrant Worker Issues**

Delegates to the National People's Congress (NPC) and Chinese People's Political Consultative Conference (CPPCC) called for changes to China's [Labor Law](#) to protect the rights of migrant workers, according to March 9 [People's Daily](#) and March 13 [Xinhua](#) articles. The delegates noted that the existing law, enacted in 1994, lacks articles dealing with migrant workers and provides insufficient protection for their rights and interests. CPPCC and Guangdong labor officials cited in the People's Daily article noted that the inability of workers to collect back wages owed to them posed particular concern. An NPC delegate said that recent calls by central authorities for increased protection of migrant rights will have little effect in the absence of specific legislative provisions.

Party and State Council officials highlighted both the need for increased attention to the rights of migrant workers and the increasing wealth gap in China in their [Opinion on Promoting the Construction of a New Socialist Countryside](#) issued on December 31, 2005. Li Yonghai, an official with the All-China Federation of Trade Unions said that "The wealth gap between rich and poor is terrifying and is the basic source of social instability," according to a March 8 South China Morning Post [article](#). Weak protections of worker rights have led to a [sharp rise in collective disputes](#) in China. Low wages and unpaid back wages are major causes of these disputes. A March 8 Yanzhao Daily [opinion piece](#) (published in the China Daily) noted that the average annual income of migrant workers is 8,000 yuan (US \$988), about half of the urban average income, and that the average monthly wage of migrant workers in the Pearl River Delta increased only by 68 yuan (US \$8.40) between 1992 and 2004. An NPC delegate cited in the Xinhua article noted that Chinese workers in some textile plants work 12-hour days with no overtime pay, suffer underpayment of wages, and have a high rate of deaths and injuries at work.

## Imprisoned U.S. Businessman Jude Shao Eligible for Parole on May 8, 2006

Jude Shao, a California businessman and naturalized U.S. citizen, will become eligible for parole on May 8, 2006, after having served half of a 16-year prison sentence. On April 6, 1998, Shao was placed under house arrest in Shanghai, and on May 8, 1998, the local procuratorate approved his formal arrest for falsely issuing value added tax receipts and for tax evasion. Shao was indicted on May 29, 1999, and tried in mid-June. According to various reports, his attorney was neither permitted to meet with him nor to review the evidence against him before trial. In March 2000, the Shanghai No. 1 Intermediate People's Court convicted Shao and sentenced him to 16 years in prison. His appeal was denied on June 6, 2000. Shao maintains that he paid all taxes and that he was unjustly prosecuted for his refusal to pay bribes to local officials. He has repeatedly petitioned the Supreme People's Court (SPC) for a retrial based on new exculpatory evidence. On November 22, 2004, the SPC formally rejected his petition.

Under Article 81 of the [Criminal Law](#), officials have discretion to grant parole to a prisoner after he or she has served half of a fixed term of imprisonment. A prisoner has a strong case for parole if he or she has observed prison regulations, accepted education and reform through labor, showed repentance, and will no longer cause harm to society. Under Article 44 of the Criminal Law, this term is calculated from the date of detention if the prisoner has been held in detention before the court judgment takes effect. As a result, Shao becomes eligible for parole on May 8, 2006.

In June 2004, Shao's family submitted an application for medical parole to the Shanghai Qingpu Prison where Shao has been held. Advocates for Shao have indicated that to date, there has been no response by the Chinese government. Shao is reportedly in poor health and suffers from a number of medical ailments including a heart condition.

For more information on Shao's case, see the CECC's [analysis](#) of his rejected retrial petition and background materials provided through [www.freejudeshao.com](http://www.freejudeshao.com).

## People's Daily Publishes 2005 Censorship Numbers

The People's Daily published an article on March 25 that called for deepening the government's [Sweep Away Pornography and Strike Down Illegal Publications](#) campaign and to "further regulate the publication market environment." The article also reported that the government confiscated 169 million illegal publications in 2005, including:

- 996,000 "political illegal publications;" and
- 4,620,000 Falun Gong and "other evil cult organization propaganda materials."

The report also said that the government had canceled the registration of 202 news bureaus since 2003 and also shut down 73 illegally established news bureaus.

Liu Binjie, Deputy Director of the General Administration of Press and Publication and Deputy Chief of the Sweep Away Pornography and Strike Down Illegal Publications Task Force, [previously announced](#) that political publications are the highest priority target for the Task Force. As the CECC has [previously noted](#), Chinese authorities deem "illegal" and confiscate hundreds of thousands of publications each year because of their [political](#) and [religious](#) content.

## Unregistered Catholic Bishop Jia Zhiguo Released Into Residential Surveillance

Officials in Hebei province released unregistered Catholic Bishop Jia Zhiguo on April 19, according to April 25 reports by [AsiaNews](#) and the [Union of Catholic Asian News](#) (UCAN). Jia, the unregistered Bishop of Zhengding diocese in Hebei, was moved from detention into 24-hour residential surveillance at his home in Wuqiu village in Hebei, according to the reports. Bishop Jia's release came one day before President Hu Jintao met with President George W. Bush in Washington, D.C. during an official visit. Jia had been detained since [November 8, 2005](#), and reportedly was interrogated and pressed to join the government-controlled Catholic Patriotic Association (CPA). According to a UCAN source, Bishop Jia appeared to have lost weight during the five-month detention.

Bishop Jia has been the subject of numerous official inquiries from the U.S. and other governments, and has been profiled in articles in the [Washington Post](#) and the [Telegraph](#) of London. His most recent detention was the eighth since 2004; most of the detentions were brief. Nonetheless, Bishop Jia has spent about 20 years in detention since the late 1970s. Most of the relatively short detentions occur during major Catholic religious holidays or when foreign heads of state visit China. In addition, Bishop Jia and some of the unregistered priests belonging to his diocese were detained and harassed in 2005 around the time of the [death](#) of Pope John Paul II and the [conclave](#) in Rome that elected Pope Benedict XVI. The Holy See reacted to a series of brief detentions of Bishop Jia in 2004 by [declaring](#) that the detentions are "inadmissible in a state of law that declares it guarantees 'freedom of religion' and 'respects and safeguards human rights.'"

About 25 percent of Chinese Catholics live in Hebei province, including a preponderant unregistered Catholic community, which faces severe government persecution. According to a September 2005 [AsiaNews report](#), provincial officials have been conducting a campaign of repression against unregistered Catholics in Hebei province. In June 2005, Hebei Catholics sent a [letter protesting religious persecution](#) to a Catholic news agency based in Italy. The Cardinal Kung Foundation, a U.S. NGO that monitors religious freedom in China, publishes and updates a [list](#) of unregistered Catholic clergy who are currently

prisoners of conscience. As of February 15, 2006, 32 of 42 imprisoned Catholic clergy were from Hebei province, over half of them from the [Baoding diocese](#).

The Zhengding diocese in Hebei also has long been a particular focus of the Chinese government's persecution of unregistered Catholics. In [November 2005](#), for example, Hebei provincial officials detained three groups of Catholic clerics from the Zhengding diocese.

For more information on Bishop Jia Zhiguo, see the CECC's [Political Prisoner Database](#). For more information on Catholics in China, see the [CECC 2005 Annual Report](#), Section III(d).

### **Yunnan Provincial Security Officials Detain House Church Leaders**

Public security officials in Kunming city, Yunnan province, raided a meeting of Protestant house church leaders and briefly detained about 80 Chinese participants on March 23, according to an April 19 [report](#) by the [China Aid Association](#) (CAA), a U. S. NGO that monitors religious freedom in China. Five American participants, and two from Taiwan, were also detained in the same raid. Local officials interrogated the participants for approximately five hours before releasing them. The interrogators accused the American and Taiwan participants of being "foreign religious infiltrators." As of April 19, some of the Americans had returned to the United States, while others remained in China.

The Chinese government seeks to control contacts between Chinese religious believers and their co-religionists in other countries. The government permits the leadership of the officially sanctioned Three Self Patriotic Movement to maintain extensive relations abroad, but the government controls [religious exchanges and religious cooperation](#) with foreigners. Many unregistered Protestant house churches in China are organized into networks that receive some overseas support and training, as author David Aikman documented in his 2003 book *Jesus in Beijing*. The Chinese government, however, generally does not permit house church leaders to meet with foreign religious leaders, and many detentions of house church leaders have resulted from contacts with foreigners.

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

### **Government-Named Panchen Lama Speaks to Buddhist Forum; Dalai Lama Not Invited**

The Chinese government convened the First World Buddhist Forum in Hangzhou, Zhejiang province, in mid-April, but chose not to invite the Dalai Lama, according to a senior official quoted in an April 13 [Xinhua report](#). Qi Xiaofei, Vice President of the China Religious Culture Communication Association, explained at an April 12 press conference that the Dalai Lama was not invited to the Forum because he would "surely pose a really disharmonious note to the general harmonious tone of the Forum." Most Tibetans regard the Dalai Lama as the spiritual leader of Tibetan Buddhism.

Instead of the Dalai Lama, Gyaltsen Norbu, the boy whom the Chinese government installed as the 11th Panchen Lama in 1995, spoke on April 13 in what may be his first appearance before an international audience, according to reports dated the same day in [Xinhua](#) and by the [Associated Press](#) (AP). Gyaltsen Norbu spoke in the Tibetan language to some 1,000 monks, nuns, and scholars from more than 30 countries, AP reported. "Defending the nation and working for the people is a solemn commitment Buddhism has made to the nation and society," he reportedly told the audience, according to an official translation of the remarks made available to journalists.

In May 1995, the Dalai Lama announced that he recognized then six-year old Gedun Choekyi Nyima as the reincarnated Panchen Lama, but the State Council declared the announcement "[illegal and invalid.](#)" Chinese security officials then took Gedun Choekyi Nyima and his parents into custody and have kept them incommunicado since that time. The UN Committee on the Rights of the Child (UNCRC) [recommended](#) on September 30, 2005, that the Chinese government "allow an independent expert to visit and confirm Gedun Choekyi Nyima's well-being."

The State Council subsequently installed Gyaltsen Norbu as the reincarnated Panchen Lama; the appointment continues to stir widespread resentment among Tibetans.

For additional information about the Panchen Lama issue and religious freedom for Tibetan Buddhists, see the [CECC 2005 Annual Report](#).

### **Xinjiang Authorities Question Rebiya Kadeer's Son, Name Him a Criminal Suspect**

Authorities in Urumqi, the capital of the Xinjiang Uighur Autonomous Region (XUAR), held in custody Alim Abdurehim, son of Uighur activist Rebiya Kadeer, for one hour during early April, informing Abdurehim that he was under suspicion for evading taxes, according to an April 10 [article](#) from Radio Free Asia (RFA). Abdurehim told RFA that the XUAR Public Security Department Political Affairs Office, Investigations Office, and Urumqi Public Security Bureau summoned him to the Nanguan police station, where they informed him that he was a criminal suspect. Abdurehim reported that officials also questioned him on his social connections and asked him if he wanted to hire a lawyer. A reporter contacted the Investigations Office of the XUAR Public Security Department, which declined to comment on the case.

Abdurehim said the accusation against him was false and that he refused to admit to the accusation when pressured to do so by authorities. He speculated that the accusation was a form of retaliation against his family. A spokesperson for the Munich-based World Uighur Congress said that officials may have held Abdurehim to warn Rebiya Kadeer not to conduct any activities during PRC President Hu Jintao's April visit to the United States, the RFA article reported.

Authorities detained Kadeer, a prominent Uighur businesswoman and civic leader, in mid-1999 and sentenced her in 2000 to eight years in prison for "unlawfully supplying state secrets or intelligence to entities outside China." Government authorities [released](#) her on medical parole on March 17, 2005, and permitted her to depart China for medical treatment in the United States. In exile, Kadeer has been an advocate for Uighur rights, has criticized Chinese government human rights abuses against Uighurs in the XUAR, and has described in public her experiences while imprisoned. Before her release, Kadeer said, prison guards warned her that her business interests and relatives who remain in the XUAR would face repercussions if she disclosed sensitive information overseas, RFA [reported](#) in a March 28, 2005 article.

Officials began harassing Kadeer's relatives and employees shortly after her March 2005 release. In May, authorities [detained](#) two employees of a company belonging to Kadeer and held them without charges until December 14. Authorities pursued [Ablikim Abdurehim](#), another of Kadeer's sons, during the same May round-up. Alim Abdurehim told RFA in August that XUAR public security officers had [created a special unit](#) to monitor Kadeer's relatives and business interests; the same month, authorities detained two of Kadeer's nephews for one day. Wang Lequan, Party Secretary of the XUAR, has accused Kadeer of economic crimes, including tax evasion and loan default.

## Falun Gong Practitioners to be Punished Under New Administration Punishment Law

A Ministry of Public Security (MPS) official asserted at a February 28 MPS [press conference](#) that Falun Gong practitioners are subject to punishment under the recently enacted [Public Security Administration Punishment Law \(PSAPL\)](#). Ke Liangdong, Director of the Department of Legal Affairs of the Ministry of Public Security, said, "...Whoever violates the PSAPL by misusing the name of religion to harm the health of others or disturb social order will be punished according to the provisions of the PSAPL. Of course, Falun Gong is not an exception." The new law codifies administrative punishment of Falun Gong practitioners that has persisted since the 1999 crackdown.

Article 27 of the PSAPL, which went into effect March 1, stipulates punishment for those who organize heretical sects or secret societies or use superstitious cults or qigong activities to disrupt public order or harm the health of another. Those who violate this article are subject to 5-15 days of detention and a fine of up to 1,000 yuan (US \$125). The government has typically used the [Criminal Law](#) as justification for repressing the Falun Gong spiritual movement. Article 300 outlaws forming or using a heretical sect to undermine implementation of the law, a charge that carries a penalty from three to seven years in prison or, in "serious" cases, over seven years.

The State Department's [2005 Country Report on Human Rights Practices for China](#), which was released on March 8, says that the government repression of Falun Gong practitioners that began in 1999 continues. According to the report, the majority of practitioners are subjected to administrative punishment, including reeducation through labor. A 1999 Human Rights Watch [press release](#) documented government repression of Falun Gong practitioners both under the Criminal Law and through administrative punishment. [Such administrative punishments are controversial](#) because police issue them without effective judicial review or even the minimal procedural protections that the Criminal Procedure Law provides to criminal defendants.

For additional information on administrative punishment, see the CECC's 2005 Annual Report section on Rights of Criminal Suspects and Defendants: [Administrative Detention](#). For more information on government repression of Falun Gong practitioners, see the CECC's 2005 Annual Report section on Freedom of Religion: [Government Persecution of Falun Gong](#).

## Civil Affairs Official: Authorities To Adopt New Form of Civil Society Supervision

Ministry of Civil Affairs (MOCA) officials are developing a new "evaluation system for civil society organizations," according to a March 28 [speech](#) by Liao Hong, a MOCA official who manages the day-to-day operations of the ministry's leading group that is developing the system. The MOCA efforts coincide with heightened central government concern about the activities of these organizations. The system is in a preliminary stage of development.

Liao said that although Chinese civil society organizations have "made a positive contribution in pressing for economic development and the establishment of a harmonious society," some face problems of "quality." These problems include insufficient personnel or funding, for-profit activities that are inconsistent with nonprofit status, and management styles that focus too much on administrative matters and are insufficiently democratic. He asserted that these problems have "hampered the healthy development of civil society organizations, and affected China's economic and social development." Experts at an August 2005 MOCA-sponsored [conference](#) on the creation of such an evaluation system noted similar problems, and called for increased supervision of Chinese civil society organizations and the elimination of illegal groups. Liao said that these systems will be incorporated into an amended version of the 1998 [Regulations on the Registration and Management of Social Organizations](#), which he said will be issued soon. He also noted that China currently has 319,000

registered civil society organizations, or 171,000 social organizations, 147,000 nongovernmental, noncommercial enterprises, and 975 foundations.

Liao said that many details of the evaluation system are currently under evaluation. These details include:

- Who will conduct the evaluations (registration entities, sponsor organizations, or the public).
- How the evaluation results will be used (as a source of better information for government officials regarding the development of civil society organizations, or as a direct link to rewards and punishments).
- Who will fund the evaluations.

On March 15, Jiangxi provincial MOCA officials [called](#) for the establishment of similar evaluation systems, and said that they should allow civil society organizations to operate under the "supervision of public opinion and the media" as well as that of registration authorities and official sponsor organizations.

The MOCA effort to develop an evaluation system for civil society organizations began in late 2004 and early 2005, according to Liao's speech, at the same time that Chinese officials began to [express heightened concern](#) about the activities of foreign and domestic civil society groups. For more information, see Section V(a) of the Commission's 2005 [Annual Report](#), on [The Development of Civil Society](#).

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.php?NLdate=20060503&show=ALL#id49325>

## **GAPP Shuts Down More Newspapers**

The [General Administration of Press and Publication](#) has shut down at least three newspapers so far this year, according to an April 13 Xinhua report ([English/Chinese](#)):

- China Art Circle, in Baoding, Hebei province;
- China News, in Jianhu, Jiangsu province; and
- China Business, in Heilongjiang province.

Chinese authorities [banned](#) 79 newspapers and periodicals in 2005.

## **NPC Releases Draft Labor Contract Law for Public Comment**

The National People's Congress (NPC) released a new draft labor contract law for public comment, according to a March 21 [report](#) in the China Daily. The public had 30 days to submit comments either to their local legislatures or directly to the NPC. According to the China Daily report, this is only the second draft law that has been released by the NPC for public comment "in recent years," citing last July's release of the draft property rights law as the first such instance.

The draft labor contract law includes seven chapters addressing: (1) general principles; (2) agreeing to a labor contract; (3) implementing or changing a labor contract; (4) revoking or terminating a labor contract; (5) supervision and inspection; (6) legal responsibility; and (7) supplementary material, reports a March 21 Legal Daily [article](#). According to the China Daily report, draft legislation generally becomes law after three periods of deliberation by the NPC Standing Committee.

Some foreign companies doing business in China have objected to the draft labor contract law because of the role it assigns to the Party-run [All-China Federation of Trade Unions](#) (ACFTU), according to a report in the [South China Morning Post](#), (SCMP). The law would require companies to consult the ACFTU about mass layoffs and to approve employment rules, and would give the ACFTU the right to negotiate for workers through collective bargaining, according to the SCMP. The SCMP article speculates that the NPC "relied heavily" on the ACFTU to draft the proposed legislation. The SCMP report also cites concerns by foreign companies that the new law would take away market-driven flexibility in hiring and in firing. The draft law would require a full year's salary be paid to employees who depart under noncompete agreements, the SCMP report said. Noncompete agreements bar departing employees from working in related businesses for a specified period of time. The law also would require severance pay for employees whose fixed-term contracts are not renewed and would set the length of the employee probation period.

Chinese labor officials have defended the draft law arguing that current legal protections for Chinese workers are inadequate. Rui Lixin, the Deputy Director for Legal Affairs at the Ministry of Labor and Social Security, commented in a March 21 China Daily [report](#) that some private employers do not have contracts with workers, which denies workers public benefits and impedes their ability to settle labor disputes in court. An NPC survey found that only one in five private enterprises had contracts with their workers. Guo Jun, the Deputy Director for Legislative Affairs of the ACFTU, also said that there has been an imbalance of power between workers and employers in recent years, and that labor laws and regulations should "tilt" more toward workers.

## **Beijing Officials Report Increase in Fines and Detentions Under New Public Security Law**

Beijing public security officials convened an April 12 meeting to provide information and statistics about the municipality's implementation of the new [Public Security Administration Punishment Law](#), according to an April 13 Legal Evening News

[report](#) (in Chinese, via the People's Procuratorate Daily). During the month after the law went into effect on March 1, Beijing police filed over 35,000 cases, leading to investigations of over 40,000 individuals, warnings or fines for more than 16,000, and administrative detention for more than 7,000. Although there was an increase of just 1,000 cases over the number filed in February, the month preceding implementation of the law, an April 13 Beijing News [report](#) (in Chinese) noted that the law now provides a new basis for punishing actions not previously punishable under other laws or regulations. In addition to identifying new categories of behavior subject to administrative punishments, the law also sets forth harsher penalties than its predecessor [Regulations on Public Security Administration Punishment](#).

A March 2 China Daily [report](#) noted that security ranks high among the concerns of respondents to many Chinese opinion polls. To provide a higher degree of security, the law adds 165 new offenses that are subject to administrative punishments, according to the China Daily report. Ministry of Public Security (MPS) officials held a [news conference](#) (in Chinese) on February 28 in which they further emphasized the rapid changes in China's economic and social environment, the increasing types of behavior violating public security administration rules, and the inadequacy of previous regulations in protecting public security. Officials stressed the need to "strike hard" and punish illegal actions that endanger public security. Ke Liangdong, Director of the Department of Legal Affairs of the MPS, explained at the news conference that the law now entrusts public security agencies and people's police with greater powers and means for carrying out their duties and protecting social stability and public order.

According to MPS statistics disclosed in a January 19 press release, [public order disturbances in China increased during 2005](#), and crimes of "disturbing public order" rose to a total of 87,000, a 6.6 percent increase over 2004. Despite the general increase in social unrest reflected by these figures, at least one senior Communist Party official has insisted that [the threat of social instability is not serious](#) and that the Party's "advanced education" campaign will allow Chinese leaders to address popular discontent. Statements by other Chinese officials have demonstrated that the government has [not abandoned traditional means of social control to address social unrest](#), and that it prefers to focus on "advanced education" campaigns rather than address significant political, economic, and social problems that serve as the cause for unrest.

When the National People's Congress Standing Committee (NPCSC) first [passed the law in August 2005](#), China's news media reported that NPCSC members placed great emphasis in their deliberations on balancing the maintenance of public order with the protection of human rights. Chapter 5 of the law sets forth new measures for supervising law enforcement, including the availability of disciplinary sanctions and even criminal liability for violations of human rights such as coerced confessions under torture or exceeding time limitations on interrogation. Despite these provisions, Chinese citizens who sent their views to a March 3 Voice of America [program](#) (in Chinese) analyzing the law continued to express distrust in law enforcement and doubts that new measures could effectively curb law enforcement abuses. One listener commented, "China's judicial and police officers all rely on self-discipline, and lack external and objective supervision, such as media supervision or supervision by the people. If it is not possible to put these two [types of supervision] into effect, reliance on self-discipline may lead to a certain level of effectiveness, but it will be difficult to ensure the fundamental rights of the people." Article 114 of the law urges public security officials to be "conscious and accepting of society's and the citizenry's supervision over them," but the law lacks any further measures providing a concrete mechanism for external supervision. Citizens may file complaints under Article 114, but the agency handling the complaint is obligated only to "handle [the complaint] in a timely manner, in accordance with the agency's duties."

For more information on controversy over the system of administrative punishments generally, see the CECC's [earlier analysis](#) of the Public Security Administration Punishment Law and information on [Administrative Detention](#) in Section III(b) of the [CECC's 2005 Annual Report](#).

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## **Party Calls for Stronger National Consultative Body To Enhance Party Governance**

Communist Party authorities issued the [Central Party Opinion on Strengthening the Work of the Chinese People's Political Consultative Conference \(CPPCC\) \[Abstracted\]](#) (Opinion) on February 8. The Opinion reiterates the need for continued Party control of the CPPCC, while expanding the consultative role of the CPPCC to enhance the Party's own ability to govern. The CPPCC is a Party-led "united front" organization that includes Party members, Party mass organizations, and non-Party members closely allied with Party goals, including members from China's eight minor "democratic" parties. Chinese government and Party officials see the CPPCC as a means to address mounting social unrest and popular grievances, according to a March 2 Associated Press [article](#) reprinted in the Guardian of London, and a March 6 [article](#) in the 21st Century Business Herald.

The Opinion describes the importance of the CPPCC as reflecting popular opinions and providing Party and government leaders with suggestions. It calls on local Party officials to use the CPPCC to achieve Party goals. It calls for stronger guarantees that non-Party members can participate in consultations regarding government policies. The Opinion calls for Party members to respect the right of non-Party CPPCC members to participate in discussions and proposals about major government decisions, proposes a "relatively larger" number of non-Party members in the CPPCC, and recommends a "certain number" of non-Party members in CPPCC leadership positions.

The Opinion states that the Chinese government "will absolutely not imitate Western political models," and emphasizes that



elections and "political consultation" before major policy decisions constitute important components of "Chinese socialist democracy." Li Junru, Vice-President of the Central Party School and a CPPCC delegate, contrasted the Chinese system of "elections + consultation" with "discredited" Western liberal democratic models, according to a March 10 China News Net [article](#). He also said that "In order to address challenges posed by foreign and domestic pressure regarding the issue of democracy, particularly the challenge of the 'color revolutions,' the advantages of the Chinese People's Political Consultative Conference need to be better brought into play."

The first Party directive on CPPCC consultation since 1995, the Opinion is the latest in a series of central Party directives that call for strengthening the participatory and consultative role of Chinese legislative bodies as a means to improve the Party's governance. Party directives issued in 2004 and 2005 also directed Party officials to strengthen the role of the CPPCC and the National People's Congress, to help the public participate more in the legislative process, make it easier for delegates to comment on legislative issues, and assist in the oversight of government operations.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.php?NLdate=20060503&show=ALL#id47015>

## **SARFT Relaxes Censorship of Fiction, Retains it for History, Politics, and News**

The [State Administration of Radio, Film, and Television](#) (SARFT) issued [Interim Measures on the Administration of the Recording and Notification of Television Program Film Production](#) on April 6. According to the circular under which the Interim Measures were issued, the Interim Measures abolish the requirement that television program producers obtain government approval for planned television dramas, and allow them instead to register the production with the government either before or after production is completed. The scope of this relaxation of censorship is limited, however, as it applies only to programs that do not relate to "important revolutions and historical subject matter." Under the Interim Measures, anyone wishing to film these types of television programs that have contents relating to "important or sensitive political issues, the military, foreign affairs, the united front, religion, ethnicities, the administration of justice, public security, education, and famous people" must first get the "opinions" of the "relevant department at the provincial level or higher." The Interim Measures also stipulate that programs relating to important revolutions and historical subject matter will continue to be governed by "relevant rules." This is presumably a reference to the [Regulation on the Administration of Television Dramas](#) issued by SARFT in June 2000, article 39 of which states that anyone producing these types of programs without authorization is subject to fines and having their license revoked. More specific requirements are also outlined in SARFT's July 2003 [Circular Regarding Restructuring Inspection and Examination Measures for Important Revolution and Historical Material Movie and Television Projects and Completed Films](#), which 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.

On April 11, SARFT issued the [Circular Regarding Reiterating Rules on the Administration of Television International News](#). The circular repeats restrictions on dissemination of international news that were first put in place in 2002 in SARFT's [Circular Regarding Further Regulating the Administration of Television International News](#). Both circulars prohibit local television stations from using news footage taken from foreign satellite programs and international news material acquired from channels that are not run by the government. Local stations instead must only use international news reports provided by China Central Television and China Radio International. The new circular said it is necessary to "ensure correct orientation of public opinion," because some foreign wire services and news media have distributed international news to local television stations. In doing so, the foreign sources have had "blatant political intentions," and therefore the circular calls on television regulators to "firmly establish political consciousness," "further increase political sensitivity and political discrimination," and "increasingly bring the administration of international news within the administration of propaganda work."

## **GAPP Head: News and Publishing Must Be Marxist, Led by the Communist Party**

The Communist Party must remain in charge of China's news media and book publishing industries, according to an [article](#) by Long Xinmin, head the General Administration of Press and Publication, published in the April 6 edition of the People's Daily. Long wrote that, although the Chinese government must reform these industries by requiring publishers without political and public interest responsibilities to "face the market," any such reform must be predicated on the principle that, "News and publishing work is an important component of the general work of the Party and the nation, and is an important domain of the Party's propaganda and ideology battle lines." Long also wrote, "Newspaper and periodical propaganda and publications must firmly grasp the correct orientation of public opinion at all times. We must deepen reforms and establish an overall administration system characterized by leadership of the Party, administration by the government, self-discipline of industry, and legal operations of enterprises." Long endorsed the government's continuing [Sweep Away Pornography and Strike Down Illegal Publications](#) campaign, under which Chinese authorities in 2005 [confiscated](#) 996,000 "political illegal publications" and 4,620,000 Falun Gong and "other evil cult organization propaganda materials."

## **Internet Operators in China Agree to Support Hu Jintao, Marxism, and the Party**

Fourteen major Internet portals, including Sina.com, Sohu.com, Baidu.com, and Yahoo's Chinese Web site, issued a joint proposal on April 9 calling for China's Internet industry to censor indecent and harmful information, spread the ideas of

President Hu Jintao, encourage "passionate love of the motherland," and voluntarily accept supervision, according to a Xinhua [article](#) (in Chinese) published on the front page of the April 10 edition of the People's Daily. A front page [editorial](#) (in Chinese) in the same People's Daily edition said that the proposal called for "taking the glorious responsibility for teaching the view of the socialist's glories and shames," and "singing the main theme." The former phrase refers to President Hu Jintao's "Eight Glories and Eight Shames" propaganda slogan, and the latter phrase means, according to [Liu Yunshan](#), head of the Central Propaganda Department, to:

carry forward a nationalist spirit whose core is patriotism . . . carry forward collectivist and socialist ideology and allow it to become the main stream of modern times and the prevailing fashion of the entire society . . . require the coordination of the lines of propaganda of ideological warfare . . . and pluck the people's heart strings to bring about their sympathetic response. . . .

Shortly after the Web portals issued their proposal, Internet information providers and industry groups throughout China made similar announcements:

- Operators of China's major state-run news Internet portals, including Xinhua, the People's Daily, CCTV, China Daily, China Radio International, the China Youth Daily, and the Guangming Daily, endorsed the Web portals' proposal, according to an April 12 Xinhua [report](#) (in Chinese). According to the article, these media organizations "will ceaselessly insist upon correct political direction and public opinion orientation, revolve around the center, serve the general welfare, and vigorously propagandize the policies of the Party's mass line."
- Four major legal news Web sites, including those of the Supreme People's Procuratorate and Supreme People's Court, issued a proposal on April 19 committing to insisting upon the leadership of the Party, according to a Xinhua [report](#) on the same day. That report also said that over 20 blog hosting Web sites had signed a "Go Online in a Civilized Way Self-Discipline Agreement" issued by the [Internet Society of China](#) (ISOC), a nationally-registered social organization sponsored and supervised by the [Ministry of Information Industry](#).
- On April 13, the Beijing Morning News published a [list](#) (in Chinese, via the People's Daily Web site) of nearly 50 Beijing Web site operators (including Sina.com, Sohu.com, Baidu.com, and Yahoo's Chinese Web site), who had signed a "Beijing Internet Media Self-Discipline Agreement," dated April 12 committing, among other things, to "insisting upon the correct orientation of public opinion," protecting the Communist Party's secrets, and not publishing anything that would "affect national security." The signatories also committed to having the [Beijing Association of Online Media](#), oversee their implementation of the agreement. The Association is sponsored by the Beijing Municipal Communist Party Central Committee Propaganda Department and the Beijing Municipal Information Office, according to its [Web site](#). The signatories also agreed to establish a "Beijing Internet News Information Advisory Council."
- Fifteen Web portals signed a self-discipline agreement during a meeting sponsored by Jiangxi province's Communist Party Central Committee's Office of External Propaganda, and committed to "insisting upon correct political direction and public opinion orientation," according to an April 15 Jiangxi Daily [article](#) (in Chinese) posted on the Jiangxi provincial government Web site.
- The Information Services Working Group of the ISOC, issued a proposal on April 13 calling on Web site operators in China to "encourage correct orientation," and saying they must "ceaselessly be lead by the Marxist perspective on news to insist upon the correct political direction and public opinion orientation," and focus on positive propaganda and serving the Party, according to an April 13 Xinhua [article](#) (in Chinese, via the Southern Group Web site).
- Dozens of Web site operators in Shandong province endorsed the ISOC's proposal, according to an April 13 Xinhua [article](#) (in Chinese).

China's state-run media portrayed the Internet portals' participation as spontaneous and voluntary, but according to a February 19 Washington Post [report](#), the Beijing Municipal Information Office, an agency that reports to the Central Propaganda Department, summons executives every Friday morning from a dozen Internet news Web sites to attend a meeting. Chen Hua, Director of the Internet Propaganda Management Department usually runs this meeting. According to the Washington Post, "[Chen] or one of his colleagues tells the executives what news they should keep off their sites and what items they should highlight in the week ahead." In addition, each of China's main press censorship agencies - the [General Administration of Press and Publication](#), [State Administration of Radio, Film, and Television](#), and [Central Propaganda Department](#) - have either used or advocated the use of "self-discipline" agreements and other informal methods to control expression in China.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.php?NLdate=20060503&show=ALL#id48987>

## Provisions Issued on Organ Transplants, Fail to Address Executed Prisoners

The Ministry of Health released [Temporary Provisions on Human Organ Transplant Clinical Practice Management](#) (in Chinese) on March 27, 2006. The provisions become effective on July 1, 2006, and will introduce a set of medical standards for organ transplants in China. According to the provisions, medical institutes must have the written consent of the organ donor and must guarantee that organs used in transplants come from legal sources. In addition, the provisions ban the

buying and selling of organs, and provide prospective donors with the right to refuse donation. The new rules, however, fail to provide guidance on organs harvested from executed prisoners.

Executed prisoners likely are the source of the majority of organs used in transplant operations in China, according to reported statements from Chinese officials and reports from U.S. human rights organizations. At a July 2005 conference, Vice Minister of Health Huang Jiefu said that the majority of organs used in transplants in China come from executed prisoners, according to a November 28, 2005 [article](#) (in Chinese) in Caijing. Chinese Foreign Ministry spokesman Qin Gang also acknowledged that organs from executed prisoners are used for transplants in China, but only in "a very few cases" and with the express consent of the condemned convicts, according to a March 29, 2006, Agence France-Presse [report](#) carried by the South China Morning Post. A 1994 Human Rights Watch [report](#) concluded that, "the bodies of executed prisoners are the source for many, in fact most of the organ transplant operations performed in China."

The 1984 [Temporary Provisions Regarding the Use of Corpses or Organs from Executed Criminals](#) (in Chinese) allow for the extraction of executed prisoners' organs with the consent of either the prisoner or the prisoner's family, or if no one claims the prisoner's body for burial. In June 27, 2001, [testimony](#) before a U.S. House of Representatives subcommittee hearing, Dr. Wang Guoqi described the involuntary extraction of executed prisoners' organs while he worked at the "Paramilitary Police General Brigade Hospital" in Tianjin municipality in the 1990s. Dr. Guo testified that, "clearly the prisoners did not know how their bodies would be used after their death." At the same hearing, Harry Wu, Executive Director of the Laogai Research Foundation, provided [testimony](#) that detailed some of the coercive measures used to obtain the consent of prisoners to harvest their organs. In addressing the issue of the harvesting of organs from executed prisoners, the U.S. State Department's [2005 Country Report on Human Rights Practices in China](#) concluded that "serious questions remained concerning whether meaningful or voluntary consent from the prisoners or their relatives was obtained."

The World Health Organization's [guiding principles](#) on human organ transplantation, adopted May 1987, stipulate that, "An organ may be removed from the body of an adult living donor for the purpose of transplantation if the donor gives free consent. The donor should be free of any undue influence and pressure and sufficiently informed to be able to understand and weigh the risks, benefits, and consequences of consent." The guiding principles allow for the removal of organs from the bodies of deceased persons if legal consent has been obtained and if there is no reason to believe that the deceased person would have objected to the removal. The principles do not address specifically, however, the removal of organs from executed prisoners.

For more information on the harvesting of organs from executed prisoners, see information on [Capital Punishment](#) in Section III(b) of the CECC's 2005 Annual Report.

## **Lack of Legal Status Limits Rural Cooperative Organizations**

Farmers cooperatives' lack of legal status limits Chinese farmers' ability to use them to protect their rights and advance their economic interests, according to a March 8 Beijing News [article](#). National authorities currently are considering legislative proposals that would grant legal status to such cooperatives. Official restrictions on the establishment of citizen organizations limit the development of an independent Chinese civil society. For more information, see section V(a) of the Commission's 2005 Annual Report, on [The Development of Civil Society](#).

Many Chinese farmers have established voluntary cooperatives, in which they pool their resources and help protect their economic interests. China has about 140,000 such economic cooperatives, according to statistics cited in the article, but the director of the legal affairs office of the All-China Federation of Supply and Marketing Cooperatives says that only 10 percent of these cooperatives have "tight coordination" between members.

Farmers' cooperatives, however, have no status under national law, and operate in an unclear regulatory zone. Some have registered with the Ministry of Civil Affairs, some with the State Administration for Industry and Commerce, and others have not registered at all. Their unclear status creates problems for cooperatives, according to the article. For example, they cannot borrow money from institutional lenders or sign legally binding contracts. Their tax obligations are unclear.

The 2006 legislative calendar for the National People's Congress contains a proposal for a national law on rural farmers' cooperatives, the article reports. As currently drafted, the proposal would recognize cooperatives as a special form of corporation to be registered with county-level offices of the State Administration for Industry and Commerce, but with no minimum capital requirements and with a voting structure to be determined by the charters of individual cooperatives. This national proposal follows earlier provincial experiments with rural cooperatives. Zhejiang authorities issued the [Zhejiang Province Regulations on Professional Farmers Cooperatives](#) in 2004, and [registered](#) the first group of associations in 2005.

Central government leaders have highlighted their support for the establishment of farmers' cooperatives in policy documents issued each year since 2004, most recently in the December 31, 2005, [Opinion on Promoting the Construction of a New Socialist Countryside](#). The article cites one NPC delegate as saying the central government is "cautious" regarding cooperatives, and the decision to support their creation follows the determination of central government officials that cooperatives are economic in nature, and will not interfere in political issues. Scholars have [noted](#) a rise in the number of rural organizations operating outside of Party and government controls, and have suggested that official support for farmers

cooperatives may help alleviate rural problems without fundamentally challenging the Party's grip on power.

## Uighurs Face Extreme Security Measures; Official Statements on Terrorism Conflict

Officials in the Xinjiang Uighur Autonomous Region (XUAR) "continued to use the threat of violence as justification for extreme security measures directed at the local population and visiting foreigners," the U.S. Department of State reported in its 2005 [Country Report on Human Rights Practices](#) for China issued on March 8. The government has targeted the XUAR's Uighur population in particular for these measures. As Human Rights Watch and Human Rights in China note in their 2005 report [Devastating Blows: Religious Repression of Uighurs in Xinjiang](#), "Official sources show that among Uighur prisoners in Xinjiang there is an unusually high proportion of criminals sentenced for state security offenses." The report notes that Uighurs sentenced for such crimes include those engaged in peaceful activities, though the "sweeping scope of the law makes it difficult to discern which cases involved genuine criminal activity...and which were punishment for peaceful exercise of rights such as dissent or religious practice." Uighurs imprisoned in recent years for such peaceful activity include:

- Abdehelil Zunun, who received a 20-year sentence in November 2001 after translating the Universal Declaration of Human Rights into Uighur.
- Abdulghani Memetemin, a journalist sentenced to nine years imprisonment in 2003 after providing information on government repression against Uighurs to an overseas organization. Authorities characterized this act as "supplying state secrets to an organization outside the country."
- Writer [Nurmemet Yasin](#), who received a 10-year sentence in 2005 after he wrote a story about a caged pigeon who commits suicide rather than live without freedom.
- [Korash Huseyin](#), editor of the journal that published Yasin's story, who received a three-year sentence.

Government actions that conflate the peaceful exercise of rights with terrorist or separatist activity obscure the extent of anti-state violence in the XUAR, a problem compounded by inconsistent official statements on terrorism. Chinese officials have "acknowledged there have been no acts of separatist violence or terrorism in Xinjiang since 1999," the 2005 State Department report noted. Other Chinese government statistics portray a continuing problem. A 2002 State Council Information Office document titled "'East Turkistan' Terrorist Forces Cannot Get Away With Impunity" (available on the People's Daily Web [site](#)) cites "incomplete statistics" showing that "the 'East Turkistan' terrorist forces" carried out over 200 terrorist incidents in the XUAR from 1990 to 2001, leading to 162 dead and more than 440 injured. Xinjiang scholar James Millward analyzed the 2002 State Council document in a 2004 East-West Center Washington paper titled [Violent Separatism in Xinjiang: A Critical Assessment](#) and observed that it provides details only on about one-third of these deaths. Millward concluded that "it seems legitimate to question what makes the unlisted acts 'terrorist' or 'separatist' as opposed to simply criminal. One may also conclude from the document that the frequency and size of incidents of anti-state violence in Xinjiang have declined since 1997 or 1998."

In the years leading up to the 2002 State Council document, authorities provided varying reports on the number of violent incidents in the region. Millward reports that in 1999 they cited "thousands," downplayed violence on September 2, 2001, and then stressed terrorist threats in the aftermath of the September 11, 2001, terrorist attacks on the United States. Statements since then have cited statistics similar to those in the 2002 State Council document but for timeframes that differ:

- A February 25 Xinhua [article](#) naming "'East Turkistan' terrorist forces inside and outside Chinese territory" among China's main terrorist threats reported that the "[three forces](#)" of separatism, terrorism, and religious extremism within the XUAR "hatched more than 260 terrorist plots over the past 10 years, killing more than 160 innocent people and injuring 440 others."
- In 2005, a China Daily [article](#) reported the Ministry of Public Security said in September of that year that "more than 260 terrorist acts," 160 deaths, and 440 injuries had taken place in the XUAR "in the past two decades."
- In 2004, the People's Daily [reported](#) "more than 260 attacks" in the XUAR, 162 deaths, and "more than" 440 injured.
- Xiong Guangkai, Deputy Chief of the General Staff of the People's Liberation Army, said in a 2003 [speech](#) (available on the Web site of the Munich Conference on Security Policy) that "'East Turkistan' terrorists" had carried out "over 260 terrorist attacks in China since 1990, claiming 170 lives and leaving 440 wounded."

For more information on the government's crackdown in the XUAR, see the CECC's [Political Prisoner Database](#) and the sections on [Rights Violations in Xinjiang](#) and [Religious Freedom for China's Muslims](#) in the 2005 CECC [Annual Report](#).

## Chinese Authorities Release AIDS Activist Hu Jia After 41 Days in Detention

Chinese authorities released AIDS activist Hu Jia on March 28 after 41 days in detention, according to a March 29 Reuters [article](#). Hu said the questioning he received while in detention made it clear that authorities detained him for helping organize a nationwide [hunger strike](#) by human rights defenders against government repression. Hu had been missing since

February 16 and was under residential surveillance at the time he disappeared, according to a March 22 Toronto Globe and Mail [article](#).

Hu said that security officials took him from his home and held him on the outskirts of Beijing without any legal formalities and without notifying his family, according to the Reuters article. Hu said he plans to sue Beijing public security officials for unlawful detention.

Authorities have detained Hu many times in the past. In November 2005, public security officers [detained](#) Hu after he attempted to deliver a petition on behalf of 50 AIDS patients to Vice Premier Wu Yi. In August 2005, security officers [beat and detained](#) Hu during the visit of Louise Arbour, the U.N. High Commissioner for Human Rights. In January 2006, police placed Hu under surveillance and house arrest before the anniversary of the death of former Communist Party General Secretary Zhao Ziyang, according to a January 12 Radio Free Asia [report](#). In February 2006, Hu [resigned](#) from Loving Source, an organization he helped found in 2003 to assist the orphans of AIDS victims, citing government pressure on international donors that fund Loving Source.

Human rights organizations had expressed concern about Hu's disappearance. U.N. officials prepared a document expressing concern about Hu's disappearance, according to a March 17 Associated Press [article](#) reprinted on the Web site of the United Nations Office at Geneva. The Beijing office of UNAIDS reported Hu's case to the Health Ministry in February. Amnesty International urged public action on Hu's case in a February 23 [press release](#).

## **GAPP Tightens Restrictions on Foreign Publications**

The [General Administration of Press and Publication](#) introduced new restrictions on foreign magazines seeking to publish Chinese language editions, according to an April 7 Reuters [report](#). The report cited an unnamed GAPP official saying that an internal rule introduced in 2005 limits approvals to science and technology publications. Sports, entertainment, and fashion magazines cannot expect approval to enter China's media market.

The rules have been in place for about a year and have been known to a number of major publishers, but have not been published, according to an April 7 Wall Street Journal (WSJ) [report](#) (subscription required). The WSJ cited a GAPP official saying that non-science newspapers and magazines were currently not allowed to be published. According to the WSJ, the rules apply to newspapers and magazines seeking to publish joint-venture Chinese editions of a foreign title, but different rules apply to foreign newspapers and magazines seeking to publish wholly foreign-owned international editions.

After Western media reported on the GAPP regulations and an April 11 [notice](#) from the [State Administration of Radio, Film, and Television](#) (SARFT) repeating previously issued [restrictions on international news](#), China's state-run media outlets, including [Xinhua](#), the [People's Daily](#), and the [Beijing News](#) (all in Chinese) published articles citing Liu Binjie, a Deputy Director of the GAPP, saying during an April 18 press conference that China does not completely exclude foreign newspapers and periodicals. According to the articles, Liu said that newspapers and magazines could not publish or establish operations in China without central government permission, but they could import copies for subscribers and license their content to domestic publishers. Liu said that "in recent years there has been a combined total of over 4,000 kinds of copyrights purchased from the United States, while the United States has purchased only 16 kinds of our copyrights," and that this proved China's market was open.

In November 2005, Shi Zongyuan, then director of the GAPP, [told](#) the Financial Times that Chinese authorities halted plans to allow foreign newspapers to print in China because of concerns raised by the recent "color revolutions" against Soviet-era leaders in Georgia, Ukraine, and Kyrgyzstan. During 2004 and 2005, China's government [enacted over half a dozen regulations](#) designed to limit foreign cooperation with, and access to, China's media sector, [increased restrictions on foreign participation in China's domestic television and film production](#), and [launched a crackdown on foreign periodicals](#). For example:

- In [August 2005](#), Xinhua reported that five government agencies and the Communist Party's Central Propaganda Department had issued a joint order increasing restrictions on the import of foreign "cultural products," and announcing that authorities would "increase control over content censorship" of imported television series, television programs, and animated features.
- [In July 2005](#), SARFT issued a regulation banning unauthorized cooperation between local television and radio stations and foreign companies.
- [In April 2005](#), Xinhua reported that the GAPP had issued a notice reminding people that "newspapers and magazines may only be published by publishing work units approved by publishing administration agencies," and informing them that "in order to safeguard China's periodical publishing order, illegal foreign language publications shall be banned in accordance with the law."
- [In March 2005](#), SARFT issued a notice restricting foreign participation in China's domestic television and film production. The notice cited the need to improve control over the political and ideological content of television programs produced in cooperation with foreign companies.
- [In November 2004](#), SARFT issued a regulation that prohibited Sino-foreign joint venture television

production enterprises from producing news programs. The [head of SARFT said](#) that "news propaganda programs are the mouthpiece of the Communist Party and the government, and shoulder the responsibility of spreading the Party's voice to every household, and China's voice around the world. Therefore we must keep news and other programs that embody ideology firmly within our grasp."

## State Run Media: Protectionism Limits Domestic Competition in Satellite TV Markets

Local protectionism is the most influential non-economic and non-market factor preventing domestic satellite television broadcasters in China from expanding the regions in which they broadcast, according to a report in a late March edition of [China Radio, Film & TV](#) (in Chinese, via Xinhua). According to the magazine, which is sponsored by the [State Administration of Radio, Film, and Television](#), local broadcast administration agencies use excuses such as inadequate frequency resources or high access fees to prevent television channels from other administrative regions from competing for viewers and causing "conflicts" in the local advertising market. The report quoted an unnamed industry insider as saying that the development of local television media lags behind that of the major national networks. As a result, the source said, the local channels fear that outside competition will result in their losing control of revenues from the local advertising market.

An employee of Zhejiang Satellite Television (ZSTV) told the magazine's writer that local carriers have deliberately cut off the signals of the majority of satellite broadcasters. Some broadcasters had this problem 10 or more times per year, mostly in economically developed areas. According to the ZSTV employee, the only way to resolve these problems when they occur is to "look for a way to use your personal connections."

The report quoted Wang Sixin, an associate professor in the Law Department at the Communication University of China, as saying that although this type of local protectionism may constitute unfair competition, it would be difficult to use the [Law Against Unfair Competition](#) as a basis for a lawsuit. According to Wang, one reason for this is that China's satellite television market serves as a mouthpiece for local government propaganda, and as a result, satellite television "landing rights" are not governed only by market forces.

The report also said that most satellite broadcasters who the magazine contacted were not willing to discuss the issue, because "it was likely to lead to working becoming even more difficult in the future."

## Vice Premier, Senior Official Say China Moving to Join WIPO Internet Treaties

Liu Binjie, a deputy director of the General Administration of Press and Publication, said that China plans to ratify World Intellectual Property Organization (WIPO) Internet treaties in the second half of 2006, according to an April 11 [report](#) from the China News Agency (in Chinese, via Xinhua). Liu said that the National Copyright Administration planned to submit a draft report on the legal feasibility of China's accession to international treaties to the State Council for approval in April. If the plan is approved, the State Council would submit a WIPO Internet treaty accession proposal to the National People's Congress. Liu also said the State Council currently is considering a draft [Regulation on the Protection of the Right of Communication Through Information Networks](#), which Xinhua's English language service [characterized](#) the same day as a "prerequisite for accession to WIPO treaties." Both Xinhua reports cited Liu as saying that the State Council is expected to promulgate that regulation before the end of June 2006.

Liu's announcement coincided with an April 11 statement on the subject by Vice Premier Wu Yi at a [press conference](#) at the annual meeting of the U.S.-China Joint Commission on Commerce and Trade. Vice Premier Wu said that "It has been decided that the application for China's accession to the WIPO Internet Treaty will be submitted to China's National People's Congress before the end of June 2006."

Intellectual property infringement in China is rampant. In [testimony](#) during a March 2006 hearing on [Piracy and Counterfeiting in China](#), Chris Israel, Coordinator for International Intellectual Property Enforcement at the U.S. Department of Commerce, said that industry reports indicate that infringement levels in China range from 85 to 95 percent for all copyrighted works. Israel also said that in 2005 the value of copyrighted works that were pirated exceeded US \$2.3 billion. According to the April 11 Xinhua English language service report, copyright infringement accounted for more than 70 percent of China's intellectual property rights infringement cases, and "many" involved the Internet.

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## United States and China Conclude Annual Bilateral Trade Meeting

The Chinese government agreed to address a number of U.S. trade concerns at the plenary session of the 17th U.S.-China Joint Commission on Commerce and Trade (JCCT) held in Washington, D.C. on April 11, 2006, according to a U.S. Department of Commerce [press release](#) dated the same day. U.S. Commerce Secretary Carlos Gutierrez said the United States and China still have work to do, but that the meeting was a positive step. The Department of Commerce [reported](#) that the Chinese government's commitments included:

- **Agriculture:** Reopening the Chinese market to U.S. beef, subject to finalization of a protocol by technical

experts.

- **Procurement:** Commencing formal negotiations to join the WTO's Government Procurement Agreement.
- **Standards:** Ensuring that telecommunications service providers will be allowed to make their own choices as to which standard to adopt, and to issue licenses for all 3G standards in a technologically neutral manner that does not advantage one standard over others.
- **Telecommunications:** Adjusting its registered capital requirements for telecommunications service providers.

The Department of Commerce report also said that the Chinese government agreed to take specific actions with respect to enforcing intellectual property rights, including closing down copyright violators, requiring computer manufacturers to install legitimate software, ensuring the use of legal software in government offices and state enterprises, and ridding consumer markets of infringing goods. Chinese officials made several announcements regarding these actions prior to the JCCT meeting:

- Between January and April 2006, the General Administration of Press and Publication investigated 48 optical disc-copying enterprises, and found 14 were operating illegally. They rescinded six of their licenses and ordered eight to shut down and "make adjustments," according to a Xinhua [report](#) published on the People's Daily Web site on March 27.
- On March 30, the National Copyright Administration, Ministry of Information Industry, Ministry of Finance, and State Council jointly issued a [Circular Regarding Requiring Government Agencies Purchasing Computer Office Equipment to Purchase Products With Legitimate Copies of the Operating System Software Pre-Installed](#) that reiterated requirements set forth in previous regulations that ordered Chinese government agencies to use legitimate copies of software. All of China's provincial level governments had complied with this mandate, according to an April 13 [article](#) published on the State Council Information Office's Web site.
- On April 6, China's Ministry of Information Industry (MII), National Copyright Administration, and Ministry of Commerce jointly issued the [Circular Regarding Certain Issues Relating to the Pre-Installation of Computer Operating System Software](#) requiring all computers manufactured and sold in China to have legitimate copies of an operating system installed before they reach consumers.

According to an April 12 [report](#) from Inside U.S.-China Trade (subscription required), however, the Chinese government rejected three requests from U.S. officials on intellectual property rights enforcement:

- That it provide information to identify the facilities where pirated optical discs are being made;
- That it create a group comprising government and industry representatives from the United States and China to determine whether the government has fulfilled its commitment to ensure that government and enterprises are only using legitimate software; and
- That it show it is imposing criminal penalties for infringements of intellectual property rights.

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