

China Human Rights and Rule of Law Update

September 1, 2005
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United States Congressional-Executive Commission on China

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

Events

China's Household Registration (Hukou) System: Discrimination and Reform

The Congressional-Executive Commission on China will hold another in its series of staff-led Issues Roundtables, entitled [China's Household Registration \(Hukou\) System: Discrimination and Reform](#) on Friday, September 2, from 2:00 - 3:30 PM in Room 2168 of the Rayburn House Office Building.

Updates on Rights and Law in China

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

U.N. High Commissioner for Human Rights Visits China

Louise Arbour, the U.N. High Commissioner for Human Rights, is visiting China from August 29 to September 2, according to a United Nations [press release](#). Ms. Arbour's visit aims to renew technical cooperation programs between her office and the Chinese government. She also hopes to sign an agreement on facilitating the Chinese government's ratification of the International Covenant on Civil and Political Rights and on implementing several recommendations from the U.N. Committee on Economic, Social, and Cultural Rights. According to the press release, the High Commissioner will meet the Ministers of Justice and Foreign Affairs, the President of the Supreme People's Court, and other senior Chinese officials.

Ms. Arbour's visit is the latest in a series of events and announcements suggesting heightened engagement between China and the international human rights community. On July 20, Chinese officials and the International Committee for the Red Cross (ICRC) [announced](#) that they had signed an agreement to open an ICRC office in Beijing. From August 12 to 28, a delegation from the U.S. Commission on International Religious Freedom [visited](#) China. On August 22, the UN Special Rapporteur on Torture [announced](#) that he would visit China in December 2005.

Before the UN Human Rights Commission met in Geneva in March 2005, the [U.S. government noted](#) China's commitment to open the ICRC office and receive the delegations as signs of progress in its human rights policies.

U.N. Special Rapporteur on Torture to Visit China in November

Manfred Nowak, the U.N. Special Rapporteur on Torture, is scheduled to visit China from November 21 to December 2, 2005, according to an August 22 United Nations press release. Nowak will visit government officials, representatives of civil society, and detention centers in Beijing, Jinan, Urumqi, Yining, and Lhasa and will submit a comprehensive report to the Commission on Human Rights in 2006, according to the U.N. release.

Mr. Nowak and his predecessor, Theo van Boven, have long negotiated with the Chinese government for permission to make an investigative visit to China. In March 2004, the Chinese government agreed to a visit by van Boven. It later postponed the visit with a pledge to reschedule it before the end of 2004, citing the need for additional preparations and the difficulty of coordinating the visit among local authorities. Mr. Nowak [succeeded](#) van Boven in December 2004.

China's commitment to reschedule the Special Rapporteur's visit for this year was one area of progress that the [U.S. government noted](#) prior to the meeting of the UN Human Rights Commission in March 2005.

Beijing Police Crack Down on Human Rights Activists During U.N. High Commissioner's Visit

According to several sources, Chinese authorities have launched a crackdown on human rights activists in Beijing during the [visit of Louise Arbour](#), the United Nations High Commissioner for Human Rights, to China from August 29 to September 2. On August 29, Chinese police raided the office of the Empowerment and Rights Institute, a legal and human rights advisory group in Beijing, shortly before Ms. Arbour's arrival, according to an August 30 [New York Times article](#). The article cited employees of the Institute as saying that police searched the Institute's offices and copied computer files. The group's director, Hou Wenzhuo, said that the police had come to her home as well, but had not arrested her.

On August 29, the Web site of the U.S.-based China Information Center published [an article by Liu Xiaobo](#) (in Chinese) saying that, since Ms. Arbour arrived in Beijing, police had been deployed near his house, as well as near the houses of political theorist Zhang Zuhua, and author Liu Di (also known as the "Stainless Steel Mouse").

Chinese authorities previously placed Liu Xiaobo, who is president of the Independent Chinese PEN Center, [under house arrest](#) in January 2005 following the death of former Communist Party General Secretary Zhao Ziyang. Chinese authorities also detained both Liu and Zhang in December 2004 as part of a [crackdown on authors who had voiced disagreement with the government and the Party](#). Chinese authorities held Liu Di in detention from November 2002 to November 2003 without charges after she posted a series of essays on the Internet discussing political reform and criticizing the Party. They subsequently placed her under house arrest in 2004 during the annual meeting of the National People's Congress and on the 15th anniversary of the Tiananmen crackdown.

Government Campaign Intensifies Against Protestant House Churches

Chinese public security officials have stepped up a campaign against Chinese and American believers involved in the Protestant house church movement, particularly in north central China, according to the China Aid Association, a U.S. NGO that monitors religious freedom for Protestants.

- On [July 1](#), security officials in Zhaolou village, Henan province, detained approximately 70 house church members attending a baptism for new believers. Officials sentenced 10 members of the group to 15 days administrative detention; the others paid fines of RMB 300 (\$35).
- On [July 22](#), police in Langfang, Hebei province, detained about 100 Protestant high school students who were attending a Bible school. The students were released after being questioned.
- On [July 26](#), Shanghai authorities posted a notice on a church gate declaring that church members were conducting "an illegal religious gathering and should end their service immediately" or else face "severe administrative punishment."
- On [August 2](#), security officials raided a South China Church house church meeting in Zaoyang, Hubei province. Officials detained two Americans for questioning, then released them later the same day. The Americans claim to have been handcuffed and mistreated. In the same sweep, police detained 41 pastors and members of the church. According to eyewitness accounts, officials beat and tortured many in the group. Authorities had released 30 of those detained by August 8, and released an additional 10 on [August 13](#).
- On [August 7](#), public security officials raided a house church meeting in Hejing county in the Xinjiang Uighur Autonomous Region, detaining about 30 church members. Most were released, but as of August 17, three remained in detention.
- On [August 11](#), police raided a Sunday school teacher's training class in the village of Xiping Xinjian in Jiangxi province. The security officials detained 35 students and church leaders. Another leader was detained on August 15.
- On [August 15](#), security officials detained five Americans and 27 Chinese leaders in Luoyang and Yichuan in Henan province.
- From [June through August](#), security officials in Lizhuang, Xuzhai, Qiaogou, and Fenggang towns in Gushi county in Henan province detained between 400 and 500 Protestants belonging to 15 separate house churches. All were released after police collected fines ranging between RMB 2,000 to 5,000 (\$220-\$550).

Xinhua: Qinghai-Tibet Railroad Tracks Laid At Tanggula Pass in Qinghai

Rails for the Qinghai-Tibet railroad were laid at 16,641 feet (5,072 meters), the highest elevation that the railway will reach, on August 24, according to a Xinhua [report](#). Vice Minister of Railways Sun Yongfu acknowledged that laying the tracks at Qinghai's Tanggula Pass was "a tough part" of the project. High altitude and frigid conditions pose "a major challenge," according to La Youyu, deputy director-general of the project's headquarters. He said that nearly 300 miles of track cross frozen earth that is "vulnerable to climate change" and can thaw during summer and "distend the railway base in winter." Railway design incorporates measures that include "heat preservation, slope protection, and roadbed ventilation in frozen earth areas" in order to "avoid possible dangers," La said.

The railway is due to start trial operation in July 2006, according to a March 2005 Xinhua [report](#). Chinese media reports emphasize the boost that the railway is expected to provide to the regional economy, and claim that Tibetans eagerly await its completion. A China Central Television (CCTV) [report](#) on August 5 said that Tibetans call the tracks "the Second Road Toward Happy Life." The first is the all-weather highway that connects Lhasa with Xining, the capital of Qinghai province.

[Media](#) and [academic](#) reports compiled outside of China suggest that Tibetans are concerned that the railway will increase the rate of influx of Han Chinese into the Tibetan Autonomous Region (TAR). The Chinese government's official [Web site](#) posts a 2002 report featuring a senior TAR official saying that Tibetan worries about assimilation are an "absurdity." But implementation [provisions](#) for China's Regional Ethnic Autonomy Law promulgated in May 2005, and Communist Party [guidelines](#) released in July, call for Chinese workers, professionals, and college graduates to travel to China's western provinces to seek employment.

Additional information about the railroad project is available in the [CECC 2004 Annual Report](#).

SPC Moving Ahead With Death Penalty Review Reform

The Supreme People's Court (SPC) is in the process of adding two new criminal tribunals and several hundred new judges as it prepares to take back the power to review all death penalty decisions, according to an [article](#) in the Chengdu Daily. The new tribunals will be located in Beijing. An SPC research division is compiling a draft implementation opinion that lays out the mechanics of the procedural reform. This opinion will reportedly be submitted to central Party officials for approval in the second half of this year. In October, related amendments to the [Organic Law of the People's Courts](#) will be submitted for NPC Standing Committee deliberation. The article suggests that the SPC may take back the power to review all death sentences by next year.

While China's [Criminal Procedure Law](#) requires the SPC to review all death sentences, the SPC has delegated this power in cases involving rape, murder, and certain other crimes to provincial high courts. Chinese experts have [long argued](#) that this delegation of power is unlawful. Some also express concerns that, because high courts serve as both courts of second instance and reviewing courts in many cases, the delegation system undermines protections against wrongful executions. According to official Chinese statistics cited in a Defense Lawyer Net [article](#), provincial high courts review over 90 percent of the death sentences handed down in China. When the SPC does review death sentences, however, it overturns them in a large number of cases. Of the 300 cases the SPC reviewed in [2003](#), for example, it changed the original sentence or ordered a retrial in 118 cases.

A continuing domestic debate over the death penalty and its scope intensified over the past year, particularly after Chinese news media publicized accounts of wrongful conviction cases such as those of [She Xianglin](#) and [Nie Shubin](#). Officials have also said they will work to ensure that it is applied fairly, and plan to refine death penalty review procedures and gradually reduce death sentences in favor of long-term imprisonment. The SPC has also [called on](#) lower courts to follow procedures strictly and evaluate exculpatory evidence carefully to prevent wrongful convictions.

Chinese Government Increases Scrutiny of Environmental Civil Society Organizations

Chinese officials are conducting a large-scale survey of environmental civil society organizations in China, according to an August 18 South China Morning Post (SCMP) [article](#) (subscription required). According to unnamed government sources quoted in the article, the survey seeks to determine the extent of these organizations' operations, and uncovered unregistered organizations. This move strengthens the view of some analysts that the Chinese government is attempting to limit the independence of civil society organizations, particularly environmental groups.

The All-China Environmental Federation (ACEF), a state-run organization [established earlier in 2005](#), is conducting the survey. Although ostensibly independent, the ACEF resembles other "mass organizations" that Communist authorities have long used to co-opt or control social groups. Environmental organizations have faced increasing official pressure on their activities and overseas funding, according to the SCMP article.

The belief of Chinese officials that Western-backed environmental organizations played a role in recent social uprisings against authoritarian rule in Georgia, Ukraine, and Kyrgyzstan, appear to have motivated the government to commission the ACEF survey, according to the article. In May, the Economic Times, a publication of the Development Research Center of the State Council, said, "It is necessary to learn from the lessons of the Commonwealth of Independent States, and prevent Western countries from carrying out infiltration and sabotage of China through political NGOs."

Xinjiang Prefecture Bans Sala Branch of Islam and Reportedly Arrests 179

The Yili Kazakh Autonomous Prefecture government has banned the Sala branch of Islam in Xinjiang and arrested 179 practitioners, according to the German-based World Uighur Congress and a report by Agence-France Presse on August 19. High-ranking prefectural officials held a special work conference on the Sala "threat" on August 17, according to the [Yili Daily](#). Government officials accused Sala leaders of "cheating and deceiving the masses, and inciting them to worship their religious leaders," and of pressuring followers to make donations to the organization. Officials also accused the leaders of encouraging "transprovincial worship" and "threatening social stability." The Yili press did not mention any arrests.

According to [Chinese official sources](#), Sala was founded in the early 20th century in Qinghai province and has thousands of adherents, primarily from the Muslim ethnic Hui and Salar communities in Qinghai and Gansu provinces.

The government [tightly controls the practice of religion in Xinjiang](#), particularly among members of the Uighur ethnic minority. In addition to these most recent arrests, authorities have [detained at least 40 Muslims](#) since July 20 for possessing unapproved religious texts and meeting without government permission.

New Joint Order Restricts Popular Access to Foreign Films and Television Programs

[Five government agencies and the Communist Party's Central Propaganda Department](#) (CPD) have issued a joint order increasing restrictions on the import of foreign "cultural products," according to an August 2 Xinhua report. The order is entitled the "Measures on Increasing the Administration of the Importation of Cultural Products" and was issued by the

Ministry of Culture (MOC), State Administration of Radio, Film, and Television (SARFT), General Administration of Press and Publication (GAPP), Ministry of Commerce (MOFCOM), Office of Customs (Customs), and the CPD. The order clarifies the responsibilities of these agencies with respect to importation and domestic distribution of foreign movies, television shows, and other "cultural products":

- MOC: the importation of audio-visual products, artistic products, and performances.
- SARFT: the importation of radio and television programs, movies, television series, and animated features; Sino-foreign cooperation on the production of movies, television series, and animated features; and domestic reception of foreign television satellite channels.
- GAPP: the importation of books, periodicals, and electronic publications; trade in copyrights; and cooperative publishing activities.
- MOFCOM and Customs: the importation of cultural products "within their area of responsibility."

The Xinhua report said that the order seeks to "protect intellectual property rights, raise the level of openness to the outside, and safeguard national cultural security," but the [International Herald Tribune](#) reported on August 4 that analysts and broadcasters said the order was "part of an effort to clamp down on foreign influence on culture." Several provisions will decrease the free flow of information to Chinese citizens:

- Authorities will not issue any new [approvals for foreign satellite television channels](#) to be broadcast in China, and will increase supervision of channels that have already received authorization.
- [Individuals may not purchase television satellite dishes without government permission](#).
- Authorities will "increase control over content censorship" of imported television series, television programs, and animated features.
- No one may sell foreign newspapers or magazines without government permission, and anyone in China wishing to subscribe to newspapers and magazines must first receive government authorization.

The order is the most recent in a series of measures intended to restrict public access to information from foreign sources.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20050901&show=ALL#id19506>

Norwegian NGO Reports on the Case of House Church Leader Cai Zhuohua

In an August 24 [report](#), Forum 18, a religious freedom NGO based in Norway, reviewed the case of Cai Zhuohua, a Beijing house church pastor who the Chinese government prosecuted for "illegal business practices." Pastor Cai's case "highlights the severe restrictions Christian publishing is forced to operate within in China," according to the report.

Chinese authorities detained Pastor Cai in September 2004 for possessing a large number of copies of the Bible and other Christian religious materials. Officials subsequently detained Xiao Yunfei, his wife, and her brother and sister, Xiao Gaowen and Hu Jinyun. On July 7, 2005, after three postponements, Chinese authorities tried the four under Article 225 of China's [Criminal Law](#), which makes it a crime for anyone to commit "illegal acts in business operation and thus disrupt market order." In 1998, the Supreme People's Court issued the [Explanation Regarding Certain Questions About the Specific Laws to be Used in Adjudicating Criminal Cases of Illegal Publications](#), which allows courts to use Article 225 to imprison anyone who "publishes, prints, copies, or distributes illegal publications." Almost two months after the court proceedings concluded, the court has not yet issued a verdict.

Cai and his family have been prosecuted for what is essentially an economic crime, but events surrounding their detention demonstrate that the government believes that these four Christian religious activists represent a threat to the Communist Party's control over religious practice in China:

- On [September 12, 2004](#), the day after Cai's detention, authorities raided an unregistered seminary associated with Cai, detaining its students for three days and fining them.
- [During the trial](#), Cai's lawyers tried to argue that Cai was being persecuted for his religious activities, but the judge would not permit arguments about religious issues.
- On July 8, 2005, Ye Xiaowen, the Director of the State Bureau of Religious Affairs, told the Hong Kong newspaper Ta Kung Pao that Cai and others had illegally published 40 million copies of the Bible and other tracts and illegally sold over 2 million of them. Ye expressed the view that religion is a point of penetration through which Western anti-China forces seek to Westernize and disintegrate China.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20050901&show=ALL#id22080>

TAR Official Says Gedun Choekyi Nyima Living In His Hometown

Vice Governor Wu Jingjie of the Tibet Autonomous Region (TAR) has suggested that Gedun Choekyi Nyima, recognized by the Dalai Lama in 1995 as the Panchen Lama, is living in the TAR, according to a Reuters [report](#) posted on Phayul.com, a Tibetan news site. "I wish you to believe he is living in his hometown happily," Wu told a group of journalists touring central Tibet on a government-arranged itinerary. Vice Governor Wu's rare hint about the family's location has not been independently confirmed. Wu explained the family's isolation since 1995, saying, "His family and himself do not want interference from the outside world." Gedun Choekyi Nyima's home is in Lhari county (Jiali) in the TAR.

After the Dalai Lama announced that Gedun Choekyi Nyima is the Panchen Lama, Chinese authorities took the boy and his parents into custody, keeping them incommunicado in an unknown location since that time. The State Council declared the Dalai Lama's recognition of Gedun Choekyi Nyima "illegal and invalid," and oversaw the installation in late 1995 of another boy from Lhari, Gyaltsen Norbu, as the Panchen Lama. Chinese authorities conduct political education classes in Tibetan monasteries and nunneries and require monks and nuns to endorse the legitimacy of Gyaltsen Norbu or face expulsion.

Vice Governor Wu told the journalists that the Chinese government welcomes dialogue with the Dalai Lama's "private representatives, for example his family," but rejects contact with the Tibetan government-in-exile, according to the Reuters report. "We have never recognized the illegal government of Tibet outside China so there is no such question of dialogue between the central government and the (official) representatives of the Dalai Lama," Wu said. The Dalai Lama's envoys have had four rounds of talks with Chinese officials since dialogue resumed in September 2002. The fourth round, in Bern, Switzerland, at the end of July 2005, was the first to take place outside of China.

Additional information about the Panchen Lama issue and the dialogue between the Chinese government and the Dalai Lama's representatives is available in the [CECC 2004 Annual Report](#).

Farmers Claim Administrative License for Power Plant was Issued Illegally

A Zhejiang provincial court agreed in June to hear a case involving a lawsuit by 282 farmers against the Zhejiang Development and Reform Commission (DRC). The farmers alleged that the DRC's approval of an administrative license for a garbage burning power plant violated the Administrative Licensing Law, according to a June 13 [report](#) in the Legal Daily.

According to the reports, the farmers claim that officials issued the permit in violation of article 47 of the [Administrative Licensing Law](#), which says that persons directly affected by a permit are to be notified and have a right to demand a public hearing. The farmers seek to have the permit revoked for lack of notification, lack of proper approval for usage of the land, and because the Zhejiang Environmental Protection Bureau (EPB) did not explicitly approve the construction of the plant. The farmers charge that pollution from the plant will affect residents significantly.

Zhejiang DRC officials acknowledge that the project may produce pollution if managed improperly, but also assert that the Administrative Licensing Law does not apply, because it was implemented after the examination and approval work began on the project in 2003. Because the project was deferred to the State Council for approval, the officials also argue, an administrative permit was not necessary. The officials also indicate that the Zhejiang EPB did not contest the suggestions included in the Environmental Impact Assessment report.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20050901&show=ALL#id21008>

Xinjiang Authorities Detain More Than 40 for Possessing "Illegal Religious Materials"

Authorities in the Xinjiang Uighur Autonomous Region have arrested a Uighur religious instructor and 37 of her students, according to the German-based World Uighur Congress and as reported by Agence-France Presse on August 15. Aminan Momixi, 56, was teaching the Koran to students between the ages of 7 and 20 in her home on August 1, when police rushed in and arrested the group. Police accused Momixi of "illegally possessing religious materials and subversive historical information" and reportedly denied her access to a lawyer. Although central government officials assured the foreign press in March 2005 that minors are allowed to worship freely in China, the Xinjiang government [prohibits children under 18 years of age from entering mosques or receiving religious instruction](#) even in their own homes. Students [may not observe religious holidays, fast during Ramadan, or wear religious clothing in public schools](#).

The U.S.-based [Uyghur Human Rights Project reported August 3](#) that police in central Xinjiang detained three Uighurs on July 20 for possession of the Mishkat-ul Misabih, a religious text describing the life and work of the prophet Muhammed. The Chinese government strictly controls the printing and publication of religious texts. All Islamic texts must be approved by the government's China Islamic Association before publication.

MII Reports China's Government Has Met its Goals in Private Web Site Crackdown

On August 11 and 12, Chinese authorities convened a forum in Shanghai to discuss the results of the recently-concluded [nationwide crackdown on private Web site operators](#), according to an August 16 report in the [Ministry of Information Industry's](#) (MII) People's Post and Telecommunications News. The report stated that over 95 percent of Internet content provider Web sites and 89 percent of IP addresses had registered with the MII. According to the report, the crackdown began in September 2004, with Tianjin acting as a test case, and concluded at the end of July 2005, with the registration of 6,641,000 out of 6,693,000 independent domestic domain names. An [article in the August 18 edition of Southern Weekend](#) reported that, as part of the campaign, [authorities have shut down a "large number of Web sites,"](#) using "specialized software to render them inaccessible."

Forum participants included representatives from the communication administration offices and basic telecommunication operators in 31 provinces, municipalities, and autonomous regions. In addition to covering the results of the campaign, the report said participants also discussed six draft regulations currently under consideration, including the "Opinion

Regarding the Establishment of Long-Term Effective Work Mechanisms for Internet Administration," "Detailed Working Rules on the Administration of ICP, IP Address, and Domain Name Information Data," and "Measures for Handling Web Sites That Do Not Register."

The report said that Su Jinsheng, an MII official, told the meeting that authorities had established databases for Internet content provider registration, IP address utilization, and domain names, and that this represented the first stage of a "nationwide, coordinated, and integrated Internet Web site administration mechanism." Su said that the next stage would include "solving issues of information accuracy" and how to "appropriately handle Web sites that fail to register."

Nanjing Propaganda Department Curbs Critical Investigative Reporting

In a July 26 directive, the Nanjing municipal Communist Party Propaganda Department prohibited the publication of certain types of articles unless the writer or editor has given the article's subject the opportunity to first "review the article," "check the facts," and "give their opinion," according to reports on the [Nanjing Daily](#) and [People's Daily](#) Web sites. Entitled "Interim Measures on the Examination and Verification of News Unit Public Opinion Supervision Articles," the directive mandates that when journalists submit a critical investigative report to an editor, they must also submit a copy of the draft that has been signed by the subject of the article. Editors must reject any article not accompanied by a signed draft, unless the journalist can provide "objective reasons" in writing explaining why he or she was unable to obtain the subject's signature. Editors not enforcing this requirement and publishing articles without having received the signed draft have committed a "severe" breach of Party discipline and will be fined one month's salary, the directive says.

In addition, publishers may not reprint an investigative article from news agencies other than the People's Daily and Xinhua, unless they have first confirmed the article's facts with the article's subject. The directive requires publishers to establish an "examination and verification system" to carry out these inquiries, as well as a retention and filing system for all materials relating to investigative reports.

The directive demonstrates both continuing Party control of the news media and a counterproductive approach to handling unprofessional journalism. The directive says that the restrictions are necessary to ensure that critical investigative reports are "fair and objective" and "serve the central work of the municipal Party committee and the city government." As an August 1 [editorial](#) (subscription required) in Hong Kong's South China Morning Post noted, however, the requirement that the news media serve China's ruling party precludes it from being fair and objective: "So long as propaganda officials [in China] keep a tight control over freedom of information and prevent journalists from reporting the real news, it is only natural that sensationalism and fabrication will get worse."

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.php?NLdate=20050901&show=ALL#id19495>

Chongqing Court Analysis: Increase in Petitions Caused by Institutional Weaknesses of the Judiciary

Chinese authorities are experiencing an increasing number of xinfang petitions of final court decisions, ongoing court cases, and legal issues which should be handled by the judiciary, according to an [analysis](#) by a Chongqing local court official published on the China Court Network Web site. Petitioners are increasingly resorting to extreme behavior, multiple petitions, and organized petitioning efforts to pursue their grievances.

The growing number of xinfang petitions has multiple causes, as noted in the analysis. Chinese court decisions often fail to affect the behavior of parties, leaving them little choice but to pursue repeated petitions to redress their grievances. The existence of xinfang channels facilitates petitioning by providing a means for both officials and citizens to mobilize external political pressure to interfere with (or attempt to enforce) judicial decisions. For many citizens, the financial cost of pursuing a court case means that (free) xinfang petitions are a rational economic choice.

Internal judicial practices identified in the article also generate citizen petitioning. Within Chinese courts, judges often face punishment under court responsibility systems if they fail to keep the numbers of petitions and appeals under designated levels. This incentive structure leads some judges to cover up or dispose of particular cases in an effort to prevent them from reaching higher authorities. This often generates additional grievances that are the subject of renewed petitioning efforts.

RFA: Three Tibetans, Previously Unknown, Sentenced for Dalai Lama Photos, Teachings

Three Tibetans who attempted to carry photographs of the Dalai Lama and audio tapes of his religious teachings from Nepal into the Tibet Autonomous Region (TAR) were sentenced to imprisonment in July 2001, according to a Radio Free Asia (RFA) [report](#) on August 11. The Shigatse (Rikaze) Intermediate People's Court sentenced two of the men, Lungtog and Tennam, to four years imprisonment. The third man, identified by the pseudonym Jigme, was sentenced to two years imprisonment and recounted his experience to RFA after he fled the TAR. He showed RFA a copy of the official court document sentencing the men for illegally crossing the border into China and "instigation to split the country."

Law enforcement officials told RFA's informant that Tibetans are free to practice their religion, but that the materials the men carried "could harm socialism and damage the unity of the people." Chinese leaders deny that Tibetans remain devoted to the Dalai Lama, depicting him instead as menacing and out of favor. Xinhua [reported](#) in May 2005 that TAR

Chairman Jampa Phuntsog (Xiangba Pingcuo) said, "All the locals want the current stable and sound situation in Tibet to continue but Dalai Lama, judging from his words and deeds, simply wants to destroy it and make something different. And the result is he has grown more and more unpopular in Tibet."

Chinese officials have told foreign visitors that the public display of a Dalai Lama image, even in a Buddhist monastery, is forbidden, but that a monastic or secular Tibetan can have a Dalai Lama photo in a private residence for religious purposes. Information in the CECC Political Prisoner Database shows that the detention or imprisonment of approximately 170 Tibetans since 1987 is believed to be wholly or in part the result of possessing photos, printed matter, or recordings featuring the Dalai Lama. More than 20 of these Tibetans are believed to be currently detained or imprisoned.

Additional information about China's policy toward the Dalai Lama is available in the [CECC 2004 Annual Report](#).

Chinese Statistics Show More IPR Criminal Enforcement in First Half of 2005

The Chinese government released statistics for the first half of 2005 showing that People's Courts at all levels have accepted 1,549 cases related to IPR violations from the manufacture and sale of products. That figure represents an increase of 25.53 percent over the first half of 2004. Officials completed 1,330 investigations, an increase of 22.83 percent over the same period in 2004. This [article \(in Chinese\)](#) attributes the increase in part to the implementation of the Supreme People's Court and Supreme People's Procuratorate "Interpretation Concerning Certain Questions of Using the Criminal Law to Handle Violations of Intellectual Property Rights" ([in English](#) and [in Chinese](#)). According to another [article \(in Chinese\)](#), however, the number of administrative cases transferred for criminal enforcement remains low: 266 in the first half of the year, although this number is 24.8 percent higher than the total during the same period last year. The courts have disposed of 83 of the cases transferred in 2005, an increase of only 2.4 percent over the same period in 2004.

The statistics for criminal intellectual property rights enforcement cited include cases other than those brought under Articles 213-20 of [the Criminal Law](#), which criminalize specific types of intellectual property rights violations. The statistics include cases transferred for criminal enforcement because of the danger that fake goods caused the public (cases prosecuted under Articles 140-150 of the Criminal Law, including cases of fake medicines or defective medical equipment). In addition, the statistics reflect cases brought under Article 225 of the Criminal Law, which criminalizes illegal business operations, activities that include more than intellectual property rights violations. For example, Chinese authorities prosecute individuals under Article 225 for [engaging in any type of publishing without government authorization](#), even when no intellectual property rights issues are involved. According to the articles cited above, these statistics only include those illegal business operations cases that involve intellectual property rights.

The statistics do not indicate whether a similar increase in cases has occurred for violations of foreign copyrights and trademarks.

China's Internet Users Debate Shenzhen Public Security Bureau's "Real Name Internet" Requirement

Internet companies in Shenzhen should have finished "purifying and rectifying" all Internet chatrooms, bulletin board systems, news groups, and instant messaging systems ("forums") that they operate by August 25, under the terms of a [Notice](#) issued by the Shenzhen public security office on July 5. The Notice requires companies to shut down forums suspected of having "unauthorized mass organization activities." It also requires the closure of forums having a name, summary, or postings containing illegal information or information "not in harmony with the requirements of establishing a civilization with a socialist spirit." Forums that have failed to carry out "real name" registration should also be shuttered, according to the Notice. The Shenzhen public security bureau said these measures are necessary to address the problem of people using forums to conduct activities related to "illegal associations, illegal connections, and obscenity." The Notice states that September will be a month of "heightened inspection" during which users with foreign IP addresses will be prohibited from establishing forums.

Internet users throughout China felt the impact of the Notice, because Shenzhen is the headquarters of the Tencent company, which owns the popular "QQ" instant messaging software. On July 20, Tencent, which gained notoriety in 2004 for [including a list of banned words](#) such as "freedom" and "democracy" in its software to filter messages, sent a notice to founders and administrators of forums on its system telling them that they were required to re-register their forums and provide personal information, including their national ID card number.

Chinese authorities generally attempt to either [censor](#) Internet expression with which they disagree or "[steer](#)" it in directions they wish it to go. Since the Notice was issued, authorities have allowed Internet users to openly debate the relative merits of the real name system. For example, in mid-August the People's Daily Web site [established a page](#) providing links to almost a dozen articles expressing both opposition to and support for a real name registration system.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.php?NLdate=20050901&show=ALL#id21877>

Prominent Chinese Lawyers Call On Lawyers Association To Investigate the Detention of Zhu Jiuju

A group of prominent Chinese lawyers has published an [open letter](#) to the All China Lawyers Association (ACLEA) calling on it to investigate the detention of Beijing lawyer Zhu Jiuhe in Shaanxi province and work more actively to protect the legal rights of lawyers. Zhu had been representing thousands of investors in a sensitive administrative lawsuit against several local government entities in Shaanxi. The investors claim that Shaanxi officials illegally seized more than 5,000 privately run oil fields worth hundreds of millions of dollars after provincial officials encouraged them to invest in the properties. The seizures affected more than 1,000 private enterprises with more than 60,000 investors, and observers view the case as a test of the Chinese government's rhetoric on improving protections for private property rights.

After conducting a 10-month investigation, Zhu filed a lawsuit against the Shaanxi province, Yulin city, and Jingbian county governments on behalf of the investors in June 2004. On May 26, 2005, local authorities detained Zhu in a pre-dawn raid and charged him with the crimes of "illegal assembly" and "assembling the crowd to disturb social order." One source [suggests](#) that police charged Zhu with these crimes merely for meeting with groups of clients. Zhu's defense lawyers attempted to meet with him on several occasions in June, but local public security officials reportedly denied them access to their client on the grounds that the case involved "state secrets." On July 26, authorities also [detained Feng Bingxian](#), one of the lead plaintiffs in the case. Several signatories on the open letter suggest that their goal is not only to push ACLEA for action in the Zhu case, but to prompt ACLEA to play a more prominent role in protecting the rights of its members generally.

Chinese lawyers and commentators have [expressed growing concern](#) about the intimidation, harassment, and imprisonment of legal professionals in recent years. According to Chinese [sources](#), nearly 80 percent of the 500 lawyers detained, accused, or punished for all reasons between 1997 and 2002 were eventually found innocent of any wrongdoing. The ACLEA letter notes this trend, concluding that "one practicing lawyer after another has been punished for criminal defense work, leading to a situation where fewer and fewer lawyers undertake criminal cases" and noting that "these days, the human rights of practicing lawyers are not protected in civil or administrative cases either." It states that the legal profession firmly protests such "wanton violations of lawyer rights" and is "anxious about the deterioration in the work environment for lawyers."

For a Human Rights in China article providing summaries of 27 lawyer detention cases in China, click [here](#). For further discussion and analysis of the legal and political implications of the open letter on the Zhu Jiuhe case, click more below.

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Centuries-Old Buddhist Texts at Sakya Monastery to be Relocated During Renovation

The 80,000 volume collection of centuries-old texts at Sakya Monastery will be moved to another location temporarily, according to an August 17 Xinhua [report](#). The texts will be handled carefully under the close watch of Sakya's monks, according to the same report. Each person handling the volumes will be required to sign a log, even though the storage facility is 250 feet from the monastery's main hall. Tibetan worshippers consider the chance to walk through the chamber behind the main altar, where the texts are kept in 30-foot high racks in near darkness, to be of profound religious significance.

Sakya Monastery, located nearly 300 miles west of Lhasa, was founded in the 11th century and is the seat of the Sakya sect of Tibetan Buddhism. The texts are the largest surviving collection in the Tibetan areas of China, and one of the finest anywhere in Asia, according to experts. Most Tibetan Buddhist scripture and art was destroyed during the Cultural Revolution. It is said that Sakya Monastery and its library were spared at the behest of Premier Zhou Enlai.

Tibetan people and Chinese officials portray Sakya Monastery's important role in history differently. Thirteenth century Sakya teachers are credited with converting Mongol Khans to Buddhism and establishing the "priest-patron" relationship. In exchange for the patronage of Mongol leaders, Tibetan lamas taught them Buddhism. The [Chinese government](#) claims that the relationship established Chinese sovereignty over Tibetan territory, but many [Tibetans](#) contend that the arrangement was one of mutual advantage, not of Tibetan administrative subordination to China.

The Dalai Lama is seeking a solution to the issue that is based on accepting autonomy for Tibetan areas within China. His representatives have met with Chinese officials four times since 2002 in an effort to narrow the divide between Tibetan and Chinese views. More information about the dialogue is available in the [CECC 2004 Annual Report](#).

Beijing News Reviews Progress and Problems in Criminal Procedure Law Amendment Process

A July 23 Beijing News [article](#) reviews in detail recent discussion and debate over amendments to the [Criminal Procedure Law](#) (CPL). According to the article, the CPL amendment has been added to the National People's Congress (NPC) legislative calendar. An NPC source quoted in the article reports that the Legal Affairs Committee of the NPC Standing Committee is still researching amendment issues and has not yet begun drafting the amendment proposal. The NPC has tentatively scheduled consideration of a draft CPL amendment proposal during 2006, with final passage slated for 2007. The article provides insights into problems that the drafters have already encountered in the amendment drafting process. As with the 1996 amendments, investigative agencies reportedly are resisting some proposed reforms that would enhance the rights of criminal suspects.

Full Analysis >> <http://www.cecc.gov/pages/virtualAcad/newsletterListing.phpd?NLdate=20050901&show=ALL#id20594>

Guangdong Weekly Reports on How Chinese Authorities Have "United to Purify the Internet"

An article in the August 18 edition of Guangdong's Southern Weekend offers the following perspective on how the Chinese government administers the Internet:

From 1996 until now, fourteen agencies, including the [Central Propaganda Department](#), [State Council Information Office](#), [Ministry of Public Security](#), Ministry of Culture, and the [General Administration of Press and Publication](#) have participated in the administration of the Internet, have promulgated nearly [50 laws and regulations](#), and have put together the [world's most extensive and comprehensive regulatory system](#) for [Internet administration](#). One scholar who specializes in researching Internet Law [said] our country's degree of emphasis on, and effectiveness of administration over, the problem of Internet security is "rare in this world."

The article, which focuses on the current controversy in China regarding the government increasingly requiring Chinese citizens to register their real names when utilizing Web sites, news groups, messaging services, and games on the Internet, also discusses the background on the government's recently-concluded [crackdown on private Web sites](#) (what it refers to as "a sweeping nationwide Internet Web site registration project"):

- The crackdown actually began in July of last year, when authorities launched a "special project" to shut down pornographic Web sites.
- In November, after the Party issued a document calling for "increasing work on the administration of the Internet," the 14 departments "carried out a large-scale clean up and reorganization of the Internet, and this activity has continued until today." The [People's Daily](#), [Xinhua](#), and [Party officials](#) have provided indications of the nature of that Party document.
- Huang Chengqing, the head of the Internet Society of China, told the author of the article that "there have been rules for non-commercial Web site registration for some time now," referring to [Measures for the Administration of Internet Information Services](#), but that "for various reasons, it has not been strictly implemented."
- As of July 7, registration work has been entirely completed.
- Local regulators throughout China have [shut down a large number of Web sites](#), utilizing specialized software to render them inaccessible, and the relevant Internet addresses have been published on the Web sites of communication administration offices throughout the country.
- In August, authorities will publish a summary of the results of the registration work.

The article also points out that, in addition to requiring civil registration under the MII, China's government is preparing to deploy law enforcement authorities to crack down on private Web sites:

Another large clean up and reorganization action has been an inspection of the Internet during the first half of this year by Internet police in all areas, which has been the first nationwide Internet inspection in the 10-year development of the Internet. The relevant provisions of our country's [Measures for the Administration of Security Protection of Computer Information Networks with International Interconnections](#) stipulate that all Web sites must undertake registration procedures with their local public security bureau within 30 days of opening. . . . [P]ublic security bureaus throughout the country are currently conducting extensive screening of small and medium Web sites that have not registered.

China's official news media reports that public security officials have already begun to crack down on unregistered private Web sites in [Beijing](#), [Guangzhou](#), and [Qingdao](#).

Shenzhen Municipal Authorities Announce Tighter Controls Over Migrant Population

Shenzhen authorities have tightened household registration (hukou) rules governing migrants, according to articles in the [Beijing News](#), [South China Morning Post](#), and on the [Shenzhen municipal government Web site](#). Migrants who do not qualify for a local hukou usually cannot obtain public services such as health care and schooling for their children on an equal basis with registered residents.

Shenzhen authorities say that the measures are intended to control the rate of growth of the temporary resident population, which now constitutes over 80 percent of the total municipal population of 10 million. According to news reports, the new measures will temporarily suspend processing of applications for local hukou for dependent children and parents of current Shenzhen migrant residents. Shenzhen officials have not yet announced how the measures will be implemented. In addition, officials will limit the growth of private schools for migrant children and require migrant parents to pay additional fees to enroll their children in public schools. As with many other [local regulations](#), the Shenzhen measures also emphasize the need to allow wealthy and educated individuals to receive preferential treatment in obtaining local hukou.

The Shenzhen announcement has attracted negative commentary in the Chinese news media. A China Youth Daily [article](#) criticized the plan for attempting to use childrens' access to education as a tool to limit migration, and ignoring the fact that Chinese migration is driven primarily by the search for jobs in urban areas. A separate Southern Weekend [article](#)

criticized strict hukou restrictions as a means for Chinese cities to extract resources (taxes, low-cost labor) from migrants without shouldering the corresponding burden of providing social services.

Scholars Comment on Public Demands for Tighter Restrictions on Rural Migrants

Citizen representatives invited to comment on Beijing's municipal development plans demanded tighter restrictions on rural migrants, including tough hukou (household registration) policies and strict controls on providing housing and employment to migrants, according to a Southern Daily [article](#). [Commentary](#) by scholars that was posted on the East Day Web site, however, called for a more cautious approach.

The scholars questioned whether adopting stricter residence criteria is the most effective method to slow migration to urban areas. Noting that Chinese government overinvestment in urban areas has created an environment that attracts rural migrants to China's cities, the scholars suggested that refocusing development goals to emphasize building up China's rural areas might slow rural migration to urban areas more effectively. The scholars also noted that municipalities should take the interests of migrants and rural residents into consideration when drafting development policies, rather than only considering the demands of established urban residents.

Beijing Olympic Committee Refusing All Telephone Interviews To Avoid Falun Gong Journalists

Jiang Xiaoyu, Vice Chairman of the Beijing 2008 Olympic Organizing Committee, said that the Committee will not accept interviews with international news media by telephone because the reporters might represent the Falun Gong spiritual movement, according to an August 8 [report](#) in The Australian. The report quoted Jiang as saying, "The problem with telephone interviews is that we can't identify the person on the line, which media he represents, and whether he is a journalist or not For example the Falun Gong cult is illegal in China but they have their own journalists."

According to his official biography on the [Beijing 2008 Olympic Organizing Committee Web site](#), Vice Chairman Jiang also currently serves as Deputy Director of the Beijing Municipal Communist Party Central Committee [Propaganda Department](#).

Supreme People's Court Issues Reply on Eviction Cases

The Supreme People's Court (SPC) has issued a [Reply](#) to the Zhejiang High People's Court confirming that people's courts may not directly accept civil lawsuits involving disputes over compensation for urban evictions. The Reply provides that such disputes must first be submitted to administrative adjudication boards under procedures outlined in China's [Urban Housing Demolition and Relocation Management Regulations](#). Under the Regulations, parties must submit compensation disputes to administrative adjudication tribunals, and may appeal to higher level administrative organs and/or file an administrative lawsuit in a people's court to challenge the adjudication decision if they are not satisfied.

The Reply appears to confirm existing law and procedures for eviction compensation cases. An August 12 South China Morning Post article incorrectly suggests that the Reply cut off access to the courts for parties in eviction compensation disputes. However, the Reply does not explicitly prohibit courts from accepting appeals of administrative decisions as provided in the Demolition Regulations. It merely confirms that courts may not directly accept a different type of lawsuit (a civil suit). This interpretation appears to be consistent with a provision on land disputes contained in SPC interpretation on the General Principles of Civil Law (Article 96). An [article](#) in China's domestic press confirms that parties in eviction proceedings retain the right to file administrative lawsuits to contest adjudication decisions on eviction compensation.

Urban evictions have sparked a surge of petitions, lawsuits, and protests in recent years and are a growing cause of urban social unrest, a problem acknowledged by China's central leadership. As noted in a Human Rights Watch [research paper](#), the urban eviction process and existing dispute resolution mechanisms are riddled with corruption and abuse. To the extent that the SPC Reply cuts off one possible avenue for the redress of grievances, it could be considered a setback for evictee rights. According to the SCMP, Chinese lawyers expressed disappointment at the decision.

The SPC Reply probably reflects a fear that courts presently [lack the capacity](#) to deal with the flood of lawsuits that could result if it confirmed a right to file direct civil claims in eviction compensation cases. By requiring parties to submit to adjudication and then file administrative lawsuits, the SPC may hope to weed out some cases while preserving access to the courts for the most extreme cases.

Qiansu City Expands Legal Counseling Services for Ethnic Migrants

The State Ethnic and Religious Affairs Commission (SERAC) in Qiansu city, Jiangsu province, signed cooperative agreements in July with legal aid centers in 36 cities to provide legal counsel to ethnic migrant workers. The number of minority migrant workers living in Qiansu has risen from 9,500 in the 1980s to over 24,000 today, according to an August 2 State Ethnic Affairs Commission [report](#). More than 3,600 of Qiansu's minority citizens are currently employed in temporary jobs outside of the city and will now be able to seek legal counsel at legal aid centers in any of the 36 partner cities.

Qiansu city established its first legal aid center for minorities in 2001. The expansion of legal aid counseling announced in

July reflects the city's effort to implement new [State Council Regulations on the Implementation of the Regional Ethnic Autonomy Law](#) promulgated in May. The Regulations require local governments to increase the awareness among minorities of their rights under the Regional Ethnic Autonomy Law and to take "concrete measures" to protect these rights. Article 38 of the Regulation also requires governments in autonomous areas to manage the orderly flow of minority workers into and out of the autonomous areas and ensure that their lawful rights are protected.

Anhui Court Sentences Writer Zhang Lin to Five Years Imprisonment for Inciting Subversion

A court in Anhui province has sentenced writer Zhang Lin to five years imprisonment and four years of deprivation of political rights for inciting subversion, the [Committee to Protect Journalists](#) (CPJ) reported on August 2. According to CPJ, on August 2 authorities notified Zhang Lin's family and his lawyer, Mo Shaoping, that on July 28 the Intermediate People's Court of Bengbu ruled that Zhang was guilty of crimes related to articles he has posted on the Internet, and to a radio interview. [Reporters Without Borders](#) said that the court convicted Zhang for posting reports and essays on the Internet that were "contrary to the bases of the Constitution" and "jeopardized national unity and territorial sovereignty, spread lies, and disturbed public order and social stability." The sentence was imposed under article 105 of the Criminal Law, a provision on subversion.

Mo told CPJ that Zhang has already submitted a written appeal in advance of the 10-day deadline set by the court.

Zhang [was tried](#) on June 21. Police detained him at a Bengbu train station on January 29 and initially [ordered him](#) to serve two weeks administrative detention. In February, [Reporters Without Borders reported](#) that Chinese police had informed Zhang's wife that he was being held in "criminal detention" for threatening state security. On March 19, [AFP reported](#) that public security authorities had informed Zhang's wife that they had formally arrested Zhang for inciting the subversion of state's political power.

In February 2005, the [UN Working Group on Arbitrary Detention released](#) an advance version of the [report on its September 2004 mission to China](#). Among its numerous recommendations, the report called for a halt to the use of vague criminal provisions such as "endangering state security" and "subverting public order" to punish peaceful expression, assembly, and religious practice.

Drug Addict Reportedly Beaten to Death In Police-Run Detoxification Center in Guangdong Province

The parents of a 24-year-old addict who died in a Guangdong province drug detoxification center received an anonymous call indicating that their son had been beaten to death, according to South China Morning Post articles published on August 4 and 5. An autopsy reportedly supports the caller's assertion. The addict's parents, both doctors, had admitted him to the facility. According to one man who was detained there, the Guangdong center had a reputation for irregular fatalities and had been ordered to improve its record. Key footage from a surveillance camera that had been installed to prevent abuses is apparently missing without explanation.

The Chinese government recently launched a [major campaign](#) to combat illegal drug use. Under administrative regulations, Chinese police have the power to commit drug users to forcible detoxification for three to six months without judicial review. Statistics published in a China Daily [article](#) on the drug detoxification system indicate that at the end of 2003, China had 583 compulsory drug detoxification centers, 151 detention centers, and more than 1,000 "voluntary" rehabilitation units. The relapse rate for forced detoxification detainees reportedly exceeds 90 percent. Officials may subject repeat drug offenders to longer terms of administrative punishment in re-education through labor centers.

The drug detoxification case resembles the 2003 case of Sun Zhigang, who was detained by mistake on suspicion of being an illegal migrant and beaten to death in a Guangzhou city detention center. Public anger over Sun's death led to the repeal of administrative regulations that permitted police to forcibly detain vagrants, beggars, and unregistered migrants.

Chinese Scholar Says Revised Criminal Procedure Law Likely To Require Witnesses to Appear in Court

A Chinese scholar who has participated in discussions on the amendment of the Criminal Procedure Law has said that a requirement that witnesses appear in court is very likely to be written into the law, according to a China Youth Daily [report](#). The scholar notes that the failure of witnesses to appear in court is a "chronic disease" in the judicial process and has made it difficult to establish an adversarial framework in China's criminal justice system. If witnesses do not appear in court, he concludes, defense lawyers cannot cross-examine them, and judges find it more difficult to evaluate the veracity of witness testimony. The scholar sees this as a key flaw in the criminal justice system.

The failure of witnesses to attend trials has received increased attention in Chinese legal circles. According to Chinese sources, only a small percentage of witnesses in criminal cases appear in court (see related stories [here](#) and [here](#)). One source discussed in detail how police and prosecutors often intimidate or detain defense witnesses or witnesses who change their testimony at trial and undermine the government's case. The National People's Congress has included the amendment of the Criminal Procedure Law in its current five-year legislative plan. Chinese sources [suggest](#) that the first

set of amendments is scheduled for formal consideration next year for possible implementation in 2007.

Pollution Continues To Threaten the South-North Water Diversion Project

Thousands of tons of waste continue to pollute water that the government intends to be diverted through the eastern and middle routes of the South-North Water Diversion Project, according to an August 5 Xinhua [article](#). The diversion project is part of national development plans to relieve [severe water shortages](#) by diverting water from south China to the north, but financial difficulties and lack of water treatment facilities threaten the project's timely completion and effectiveness.

On March 23, State Environmental Protection Agency (SEPA) officials reported that a third of the water treatment facilities on the eastern route had not been completed, and construction on many has not yet begun. The first phase of the project is scheduled to be completed by 2007. In late March, a Xinhua [report](#) indicated that domestic banks plan to loan \$5.9 billion for the project, which a November 2004 China Daily [report](#) says has already exceeded its estimated budget.

Citizens Petition NPC Standing Committee for Review of Conflicting Legal Provisions on Marriage Registration

Two private citizens have petitioned the National People's Congress Standing Committee (NPCSC) to resolve an apparent contradiction between national and local legal requirements related to marriage registration, according to an [article](#) in the Procuratorate Daily. In July 2005, Heilongjiang provincial officials amended a local rule to require couples to submit evidence of a medical examination before they may obtain a marriage license. Although the rule is consistent with the [1994 Law on Mother and Infant Health Care](#), which requires evidence of such exams to be presented before authorities register a marriage, it conflicts with the State Council [Marriage Registration Regulations](#) issued in 2003, which specifically abolish such compulsory medical examinations.

Under China's [Legislation Law](#), the NPCSC is responsible for resolving conflicts between national laws, national regulations, and local rules. Article 90 of the Legislation Law gives citizens the right to petition the NPCSC for a review of conflicting legal provisions, but the NPCSC has not fulfilled its review function in practice. In 2004, however, the NPCSC opened a new office to review such legal conflicts, and NPC members publicly confirmed that citizens have the right to petition.

In requesting review of the Heilongjiang rule, the two citizen petitioners indicated that they hope to prompt the NPCSC office to take its first formal action on conflicting legal provisions. "Through our specific action, we also hope to reduce the phenomenon of conflicts between regulations and law," they write, "and to promote the completion of China's legal review system."

Jilin Provincial Government Will Allow Citizens To Challenge Internal Regulations

Jilin provincial authorities will allow citizens to challenge internal, nonpublic regulations that administrative agencies often rely on as a legal basis for government action, according to a report appearing on the [Ministry of Justice Web site](#). Media reports and scholars have criticized the use of such internal regulations, which are often drafted without citizen participation.

The Jilin measures allow citizens to apply to the provincial legal affairs office for review of internal local regulations and require the review to be completed within two months. The measures also authorize the legal affairs office to declare invalid those regulations that fail the review.

The Jilin measures are a positive step that may empower citizens to challenge internal regulations that lack any legal basis. The provincial government, however, may intend for these measures to operate as a partial substitute for more substantive efforts to develop effective and independent judicial review of administrative regulations.

Henan Provincial Authorities Expand Medical Services to Migrants and Rural Residents

Henan provincial authorities will include several urban medical facilities in a rural health cooperative system that provides health services to migrants and rural residents, according to a Beijing News [report](#). Chinese migrants and rural residents are often excluded from receiving urban public services, including health care, on the same terms as urban residents. The Henan decision appears to be a positive step aimed at removing some of these barriers.

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