

United States Congressional-Executive Commission on China

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Human Rights Day 2009

[Joint Statement by CECC Chairman Byron Dorgan and Cochairman Sander Levin](#)

Last year, on the eve of Human Rights Day, which is observed each year on December 10th, 303 Chinese citizens—including scholars, writers, lawyers, and activists—issued on the Internet [Charter 08](#), a document calling for political reform and greater protection of human rights in China. [Liu Xiaobo](#), a prominent intellectual and dissident who signed Charter 08, was detained the night before the document was released. In June 2009, authorities [formally arrested](#) Liu for "inciting subversion." Earlier this month, the police [forwarded the case to prosecutors](#), almost a year after he was taken into custody. Many of the other [original signers of Charter 08](#) (which has since garnered over 10,000 signatures within and outside China) have been subjected to harassment, surveillance, and unlawful house arrest. Chinese authorities have blocked Charter 08, and any reference to it, on the Internet.

Human Rights Day commemorates the anniversary of the United Nations General Assembly's adoption of the [Universal Declaration of Human Rights](#) (UDHR) in 1948. China voted to adopt the UDHR in 1948, and the current Chinese government has committed itself to protecting the fundamental human rights that are enshrined in the UDHR through international agreements and its own domestic law. In April 2009, the Chinese government reaffirmed this commitment in its first-ever [National Human Rights Action Plan](#).

As detailed in this [Commission's 2009 Annual Report](#), there were many setbacks for rule of law and human rights in China during this past year. In addition to the [crackdown on Charter 08 signers](#), the persecution of [human rights lawyers](#), including Jiang Tianyong and others, reached an unprecedented level; authorities have revoked or suspended the licenses of numerous human rights lawyers and many face ongoing persecution and harassment. Ten months after his disappearance,

lawyer [Gao Zhisheng](#) remains missing. [Petitioners](#) continue to be detained and abused in illegal "black jails." The [trials](#) of people, mostly Uyghurs, charged with crimes committed during [unrest in Xinjiang in July](#) have been marked by violations of international standards for due process including judges selected for "political reliability" and curbs on defendants' right to independent counsel. The Chinese government continues to suppress civil society initiatives and freedom of expression. For their efforts to advocate peacefully for parents of schoolchildren killed in the May 2008 Sichuan earthquake, authorities put [Huang Qi and Tan Zuoren](#) on trial for endangering national security; Huang Qi recently was convicted and sentenced to a prison term of three years for "illegal possession of state secrets." The [cases of over 1,200 of the many political and religious prisoners](#) who are being held in China's jails and prisons today are documented in the Commission's publicly accessible [Political Prisoner Database](#).

On Human Rights Day 2009, this Commission calls on the Chinese government to cease the harassment, control, and arbitrary detention of Chinese citizens who engage in peaceful advocacy for their rights under the [Universal Declaration of Human Rights](#), other international human rights instruments, and China's own [Constitution](#) and laws.

CECC Updates

Beijing Police Transfer Liu Xiaobo's Case to Prosecutors

In early December 2009, Beijing police transferred the case of prominent intellectual Liu Xiaobo to prosecutors, who will now decide whether to take the case to trial. Liu has been charged with inciting subversion for essays he wrote in support of democracy and for his support of Charter 08, a document calling for political reform and greater protection of human rights in China.

[Click here for the full analysis. This link will open in a new Web page.](#)

Authorities Raid Unregistered Church in Shanxi, Beat and Detain Leaders

Since mid-September 2009, authorities in Shanxi province have forcefully suppressed a local unregistered Protestant congregation through beatings and detention of church leaders and demolition of the church facility. Several church leaders have since been sentenced to prison terms or ordered to serve reeducation through labor. National regulations on religious affairs require Protestant groups and other recognized religious communities to register with the government and affiliate with a "patriotic religious organization" that oversees their affairs on behalf of the government. Many refuse to register, as registered congregations are subject to state monitoring of church members, interference in clergy appointments, mandatory political study sessions for pastors, and restrictions on theology and topics for preaching. Police raids against unregistered congregations and forced closure and demolition of their churches persist in many localities.

[Click here for the full analysis. This link will open in a new Web page.](#)

Jiangsu Court Sentences Guo Quan to 10 Years for Organizing Political Party

In October 2009, a court in Jiangsu province sentenced Guo Quan to 10 years in prison for his attempts to organize the "China New Democracy Party" and to use the Internet to seek members and disseminate his political views. Chinese citizens who attempt to form independent political parties and use the Internet to organize and peacefully express their opposition to the Communist Party frequently are targeted for harassment, detention, and imprisonment by the Chinese government.

[Click here for the full analysis. This link will open in a new Web page.](#)

Chinese Activist Feng Zhenghu Living at Narita Airport, Blocked by Chinese Authorities From Returning Home

Chinese authorities have prevented Chinese citizen Feng Zhenghu from returning home to Shanghai from Tokyo, in contravention of the right to return to one's own country set forth in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Since November 4, Feng has been living at Tokyo's Narita Airport, refusing to enter Japan and demanding his right to return to China. Feng has become a cause celebre—a symbol for the right to return home; he is receiving food, daily necessities, and moral support from the Chinese diaspora as well as mainland Chinese.

[Click here for the full analysis. This link will open in a new Web page.](#)

Chinese Authorities Block Chinese Citizen Li Jianhong From Returning to China

As the Commission noted in its 2009 Annual Report, Chinese authorities continue arbitrarily to deny some Chinese citizens the right to return to their country in contravention of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. In mid-October 2009, the Chinese government blocked freelance writer and activist Li

Jianhong (a.k.a. Xiao Qiao) from returning to her home in Shanghai after a stint in Sweden as the "Guest Writer of Stockholm" with the International Cities of Refuge Network (ICORN). Chinese officials in Shenzhen twice refused Li entry into mainland China from Hong Kong. Hong Kong authorities would not permit Li to remain in Hong Kong, and thus she had no choice but to fly back to Sweden, where she is today.

[Click here for the full analysis. This link will open in a new Web page.](#)

Authorities Execute 9 After Trials in Xinjiang Marked by Due Process Violations

Authorities have executed nine men, mostly Uyghurs, found guilty by a court in the far western region of Xinjiang of committing violent crimes during unrest in Xinjiang in July. Amid controls over the free flow of information from Xinjiang, available information indicates the trials were marked by violations of international standards for due process including judges selected for "political reliability" and curbs on defendants' right to independent counsel.

[Click here for the full analysis. This link will open in a new Web page.](#)

Party Official Adds More Preconditions Before Dalai Lama Dialogue Can Resume

A senior Communist Party official has made statements in an interview with a European magazine indicating that the Party has introduced what appear to be additional preconditions that it expects the Dalai Lama to meet before the Party will resume discussions ("dialogue") with the Dalai Lama's representatives. The preconditions seek to force the Dalai Lama to accept responsibility for the dialogue stalling in late 2008, and pressure him to curtail his international travel. The introduction of the new preconditions is concurrent with increasing Chinese government demands that governments of other countries should bar the Dalai Lama from entering their countries if those governments wish to develop or maintain good relations with China.

[Click here for the full analysis. This link will open in a new Web page.](#)

Lead Poisoning Incident in Shaanxi Leads to Protests, Rights Infringements Reported

The discovery of lead poisoning in children, due to heavy metal pollution from a metal smelter, led to protests by hundreds of residents in Shaanxi province in August 2009. The case highlights ongoing lax compliance with environmental laws and policies, government accountability gaps, and insufficient protection for citizens' environmental rights, including that of access to environmental information in China. In response to the highly visible and contentious Shaanxi lead poisoning case and the wave of other lead poisoning cases in several provinces, the central government announced a provisional plan to better manage heavy metal pollution across China without making details of the plan public.

[Click here for the full analysis. This link will open in a new Web page.](#)

China Requires Real Names, Identification Numbers To Post Comments Online

China's State Council Information Office reportedly issued a secret directive in July 2009 ordering Chinese news Web sites, many of which now allow users to post comments on news items, to require new users to provide identifying information before posting comments. Although government officials denied a report about the directive, news portals appear to be complying with the new policy. The Chinese government has punished citizens who have used the Internet to, among other things, peacefully criticize the Communist Party and the Chinese government. By making it easier for officials to identify the source of such comments, the new policy may lead to self censorship. Internet companies operating in China and Chinese Internet users have expressed opposition to similar policies in the past.

[Click here for the full analysis. This link will open in a new Web page.](#)

Ministry of Public Security Cracks Down on Abduction and Sale of Women and Children

In April 2009, the Ministry of Public Security launched a nationwide campaign to combat the abduction and sale of women and children. As of October 28, over 6,000 victims reportedly had been rescued through the campaign. The growing problem of human trafficking in China has been linked to, among other issues, imbalanced gender demographics resulting from the government's one-child policy and a traditional preference for male offspring, and continued demand for inexpensive labor.

[Click here for the full analysis. This link will open in a new Web page.](#)

Xinjiang Government Issues Internet Regulation, Keeps Strict Controls on Information

Authorities in the far-western region of Xinjiang have passed a new regulation on "informatization" promotion that includes provisions against using the Internet to incite ethnic separatism, threaten state security, or spread false information. While the ban is similar in some respects to prohibitions found elsewhere in China, Xinjiang authorities also have stressed the

importance of the regulation in upholding stability following demonstrations and outbreaks of violence in the region in July and September. The regulation follows earlier efforts in Xinjiang to limit and punish people for online activity.

[Click here for the full analysis. This link will open in a new Web page.](#)

Top Official Emphasizes Party's Dominance Over Media on Journalists' Day

In a November 2009 speech, top Party official Li Changchun marked Journalists' Day in China by reminding reporters of their obligations to serve the Party's interests. Because they remain subject to the control of the Communist Party, Chinese journalists and news media do not enjoy freedom of the press.

[Click here for the full analysis. This link will open in a new Web page.](#)

Three Provinces Issue New or Amended Regulations on Religion

The Chinese government has taken steps in recent years to pass more legislation to regulate religion. Since the central government implemented a national regulation on religion in 2005, a number of provinces have followed suit with their own regulations, including three provinces which passed new or amended regulations this summer or fall. Such regulations provide a measure of protection for some religious activities, but such protection is limited in scope and applies only to state-sanctioned religious communities. In addition, while the new pieces of legislation, which incorporate national requirements, lend a measure of transparency and consistency to government regulation of religion, they also articulate tighter controls in a number of areas, as compared to the older regulations they amend or replace.

[Click here for the full analysis. This link will open in a new Web page.](#)

Chinese Professor Sues Customs Officials for Confiscating Books at Border

Chinese officials do not allow persons entering mainland China to bring in books considered by officials to "attack the Communist Party" or "harm China's politics," among other things. Thus, persons who obtain books in Hong Kong, Taiwan, or any other place, run the risk of having them confiscated at the Chinese border. One Chinese citizen, the noted professor Feng Chongyi, sued a customs office in Guangdong province for confiscating several books he purchased in Hong Kong, including books on political topics such as democracy in China and former Party general secretary Hu Yaobang. A court began hearing the case in mid-October 2009. Feng argued that in applying a policy of confiscating books at the border on the basis of vague categories and a list of banned books that is not publicly available, Chinese officials violated Article 4 of the PRC Administrative Punishment Law, which requires administrative penalties to adhere to "principles of fairness and openness," and failed more generally to adhere to fundamental principles of the rule of law.

[Click here for the full analysis. This link will open in a new Web page.](#)

The U.S. and China Held the 20th Meeting of the JCCT in Hangzhou, China

The 20th meeting of the Joint Commission on Commerce and Trade was held in Hangzhou, China on October 28 to 29, 2009. The JCCT, which was established in 1983, is a high-level forum for the United States and China to address concrete trade issues. The meeting achieved certain outcomes, especially in the areas of agricultural trade, market access, and intellectual property rights.

[Click here for the full analysis. This link will open in a new Web page.](#)
