

# CHINA HUMAN RIGHTS AND RULE OF LAW UPDATE

## United States Congressional-Executive Commission on China

Senator Byron L. Dorgan, Chairman | Representative Sander M. Levin, Cochairman

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No. 8 - November 9, 2010

### **Hearing: "Nobel Peace Prize Laureate Liu Xiaobo and the Future of Political Reform in China"**

Tuesday, November 9, 2010, 10:30 a.m. to 12:00 p.m., Dirksen Senate Office Building, Room 628

Witnesses:

*Dr. Kwame Anthony Appiah*, President, PEN American Center, and Laurance S. Rockefeller University Professor of Philosophy and the University Center for Human Values, Princeton University

*Dr. Bruce Gilley*, Professor of Political Science, Portland State University

*Dr. Elizabeth C. Economy*, C.V. Starr Senior Fellow and Director for Asia Studies, Council on Foreign Relations

*Phelim Kine*, China Researcher, Human Rights Watch

This hearing will also be [webcast](#) live.

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## CECC News and Analysis

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### **Harassment of Journalists Sparks Outcry in Chinese Press**

In the summer of 2010, several high-profile incidents involving the harassment of journalists for reporting on local officials and companies have highlighted both local efforts to prevent unwelcome media coverage and the Chinese media's attempts to push back by calling for greater rights for journalists. At the same time, however, the media have been careful not to challenge the central government directly. The incidents involved journalists whose critical reporting on local companies prompted police action or physical assault by thugs connected to the targeted companies. Incidents also involved local officials barring journalists from covering events, such as a plane crash, that officials regarded as potentially embarrassing. The incidents prompted editorials, op-eds, and news articles in Chinese media, many defending the journalists. It is unclear what long-term impact this recent flurry of media attention will have on press freedom in China. Communist Party control over news content and heavy government regulation illustrate the Chinese government's failure to comply with international human rights standards on free expression.

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### **New Information Released on Uyghur Political Prisoners Mehbube Ablesh and Omer Akchi**

New information is now available on the cases of two Uyghur political prisoners serving prison sentences in the far western region of Xinjiang. According to information from the Dui Hua Foundation, Mehbube Ablesh, a radio station employee detained in 2008 in apparent connection to her criticism of Chinese government policies, is now known to be serving a three-year sentence for "splittism" (separatism). The date she was sentenced is not known. Omer Akchi, a farmer sentenced to 14 years in prison in 1997 for a "counterrevolutionary" crime in connection to an organization he allegedly led, is now known to have had his sentence extended in December 2006 to life in prison for a "splittist" crime. The details of this crime are not known. As of October 2010, he is the only known living prisoner in the Congressional-Executive Commission on China's Political Prisoner Database who has had his sentence extended to life imprisonment.

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### **Government Policy on Tibetan Reincarnation Leads to Expulsions, Detentions, Suicide**

A series of events from May to July 2010 at Shag Rongpo, a little-known monastery located in Naqu (Nagchu) county, Tibet Autonomous Region (TAR), has resulted in the expulsion and apparent house arrest of the 75-year-old abbot, the detention of other monks, the sentencing of one monk to imprisonment, the expulsion and apparent sentencing of 17 monks to "public surveillance," and the suicide of a 70-year-old monk, according to reports from Tibetan organizations based in India. The events began when Chinese officials reportedly accused the abbot, who also served as the monastery's senior Buddhism teacher, of contacting the Dalai Lama about the search for the reincarnation of a Shag Rongpo *trulku*—a teacher whom Tibetan Buddhists believe is one of a lineage of reincarnated teachers that can span centuries. After the May detentions, officials and People's Armed Police arrived at the monastery to conduct "patriotic education" and pressure monks to denounce the Dalai Lama and the monastery's senior teacher.

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### **SASAC Issues New Commercial Secrets Regulations**

In March and April 2010, the Chinese government issued two key pieces of legislation on protection of secrets. On March 25, 2010, the State-Owned Assets Supervision and Administration Commission (SASAC) approved the Interim Provisions on the Protection of Commercial Secrets of Central Enterprises (Provisions), concerning protection of commercial secrets (also known as "business secrets" or "trade secrets") by central-level state-owned enterprises (*zhongyang qiye*). The Provisions came into effect on April 26. Three days later, on April 29, the National People's Congress Standing Committee passed the amended Law on the Protection of State Secrets (Amendments), which maintains the vague and broad definition of state secrets written in the law prior to the amendment. The Amendments came into effect in October. The issuance of the Provisions and Amendments drew particular attention of observers, occurring as it did against the backdrop of the arrest and conviction, and later sentencing, of four employees of Anglo-

Australian company, Rio Tinto. The four employees were arrested in July 2009 for violating state secrets laws, though the charges subsequently were lowered to infringing commercial secrets and bribery.

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## **Hong Kong Legislative Council Approves Reform Package, After Democrats and Mainland Government Reach Compromise**

On June 24, 2010, Hong Kong's Legislative Council (Legco) passed a resolution increasing the election committee that selects the chief executive from 800 to 1,200 members, and on June 25, Legco passed a proposal increasing the number of its seats from 60 to 70. Both reforms will take effect for the 2012 election. These votes were based on the Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the Legislative Council, which the Hong Kong government released on April 14, 2010. The votes followed a compromise between Hong Kong's democrats and mainland officials, but reflect limitations imposed by China in a 2007 National People's Congress decision on constitutional reform.

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## **Authorities Continue to Restrict Ramadan Observance in Xinjiang**

Authorities in the far western region of Xinjiang exert tight control over religious practice in the region, in a number of cases imposing limits on religious activities that are harsher than restrictions imposed elsewhere in China. Authorities single out Islam in some instances, as illustrated by a series of recent reports illustrating continued controls over Muslims' observance of the holiday of Ramadan. During the month-long period of daily fasting, which ended in mid-September, some local governments described steps to curb observance of the holiday, including barring some people from fasting, ordering restaurants to stay open, and increasing oversight of religious venues.

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## **Members of Henan House Church Ordered To Serve Reeducation Through Labor**

A house church pastor and church member in Henan province are currently awaiting a court ruling that will determine whether or not they each will be required to serve one year of reeducation through labor (RTL), a form of administrative punishment without trial. The two had appealed a July 2010 Henan court ruling against them in an administrative lawsuit in which they had challenged the legality of the RTL punishments. Local public security officers detained the two men and several other members of the unregistered church in March and accused them of belonging to a "cult" organization, a designation that authorities have used in some cases to interfere with the activities of religious communities that run afoul of government or Party policy. Public security officers reportedly harassed the two men and other members of the Tianmiao Town Church on multiple occasions while they were in detention. In September, authorities harassed and detained seven members of unregistered Protestant churches who attempted to enter the courtroom during the two men's appeal trial, including members of their families.

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## **Ministry of Public Security Issues Ban on Public Parades of Suspected Sex Workers**

In July 2010, the Ministry of Public Security issued a Circular prohibiting police from publicly parading criminal suspects allegedly involved in sex work. The announcement follows extensive media coverage of the public shaming of sex workers in Guangdong and Hubei provinces. The controversial parading of criminal suspects has elicited criticism from the Chinese news media and sympathy from Chinese citizens, particularly Internet users. Chinese officials previously have attempted to prohibit the practice, but in recent years high-profile incidents indicating its continued prevalence have gained widespread media attention.

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## **New Provisions Impose Stronger Requirements on Officials for Reporting Personal Assets**

On July 11, 2010, Chinese authorities announced that provisions requiring officials to disclose personal and family assets, and other personal information to Communist Party organs had been issued in May. The 2010 provisions replace similar reporting requirements issued in 1995 (personal financial disclosure requirements) and 2006 (personal information disclosure requirements) and unify the two reporting systems. The 2010 provisions broaden the range of officials who must submit reports and require not only Communist Party cadres, but also non-Communist Party cadres to disclose personal and financial information to the Party. The provisions also clarify report monitoring and management procedures, and outline stiffer punishments for non-compliance. Like one of the earlier provisions, however, the 2010 provisions still do not provide for public oversight and do not necessarily apply to China's large body of officials below the county department level. The 2010 provisions are a part of a series of recent measures instituted by the Communist Party and the Chinese government designed to improve accountability and to address

official corruption, which the public rates as a major problem and the Party considers a threat to its legitimacy.

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### **Communist Party Seeks To Restrict Already Limited Critical Media Reports**

The Communist Party reportedly has issued an order that could further diminish Chinese newspapers' already limited space to write stories critical of local-level officials. The order, directed at market-oriented "metropolitan" newspapers, which have developed reputations for more independent reporting, would prevent these newspapers from publishing "negative" stories about other localities, a practice known as *yidi jiandu* (translated into English as "outside area supervision" or "extra-territorial supervision"). Though officials have sought to curb this practice in recent years, Chinese journalists have engaged in *yidi jiandu* in part to counter local officials' attempts to bar media within their jurisdiction from reporting "negative" stories about the locality.

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### **Discriminatory Job Hiring Practices Continue in Xinjiang**

Job recruitment in the far western region of Xinjiang continues to discriminate against Uyghurs and other groups by reserving positions exclusively for Han Chinese. The job recruitment practices, including in a number of government positions, contravene provisions in Chinese law that forbid discrimination. Examples from recent months include one civil servant recruitment drive that reserved 78 percent of available positions for Han. The remainder of the positions was either reserved for ethnic minorities or available to all candidates. The groups the Chinese government defines as "ethnic minorities" comprise roughly 60 percent of Xinjiang's population.

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### **National Conferences Highlight Restrictions on Buddhist and Taoist Doctrine**

National conferences of China's state-run Taoist and Buddhist "patriotic religious organizations" from the past eight months have highlighted the restrictions that the Chinese government places on the religious activities of those communities. Few reports regarding the restrictions that the Chinese government places on China's Taoists and non-Tibetan Buddhists reach the international media. However, like members of other officially recognized religious communities in China, Buddhists and Taoists who worship at officially sanctioned temples in China encounter state interference in their religious practice and teaching. Chinese government policy requires that Taoist and Buddhist religious groups affiliate with state-run "patriotic religious organizations" that manage their affairs. Those who practice these faiths at religious sites that the government does not recognize face the possibility that their places of worship will be closed or demolished. China's state-controlled Buddhist and Taoist organizations modify doctrine to eliminate some elements that the Communist Party regards as incompatible with its goals. In addition, authorities designate some religious groups that function independently of state control as "cults," raising the possibility of administrative or criminal punishment for religious leaders and followers.

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### **Mongol Rights Advocate Sodmongol Remains in Custody Following April Detention at Beijing Airport**

Sodmongol, a Mongol rights advocate, remains in custody following his detention in April. He was about to depart for New York to attend the UN Permanent Forum on Indigenous Issues when authorities at the Beijing Capital International Airport detained him. His case represents the second time in two years that authorities have prevented Mongol rights advocates from participating in UN forums on the protection of indigenous peoples. The Chinese government does not recognize any communities within its borders as "indigenous peoples."

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### **Authorities Prevent Some Human Rights Defenders From Traveling**

Chinese authorities have appeared increasingly to restrict rights defenders' ability to leave China in recent months. Since April, authorities detained several rights defenders at airports in China, before they could board international flights. Authorities cited China's Law on the Control of the Exit and Entry of Citizens as justification for preventing rights defenders from traveling, or, in some cases, provided no official explanation.

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### **Xinjiang Authorities Target Beards, Veils in Campaigns To Tighten Control Over Religion**

Authorities in the far western region of Xinjiang have carried out campaigns in 2010 and previous years targeting Muslim men who wear large beards and women who wear veils (singling out face veiling in a number of cases), tying

the practices in the Muslim-majority region to "religious extremism" and "backwardness." The campaigns against beards and veils come as Xinjiang authorities continue to tighten controls over religion in the region. Amid these campaigns, newly available information indicates that authorities imposed prison sentences on two men in 2007 and 2008 in cases that reportedly have connections to the men wearing beards.

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## **Statement of CECC Chairman Byron Dorgan and Cochairman Sander Levin on China's New Nobel Laureate: Liu Xiaobo**

**October 8, 2010**

We applaud the Norwegian Nobel Committee's [award](#) today of the Nobel Peace Prize for 2010 to imprisoned Chinese writer and democracy advocate [Liu Xiaobo](#) for his "long and non-violent struggle for fundamental human rights in China." For his more than two decades of advocating for freedom of speech, assembly, religion, peaceful democratic reform, transparency and accountability in China, Mr. Liu is currently serving an eleven-year sentence in a Chinese prison for "inciting subversion of state power." He reportedly is the first person since 1935 to win the prize while in prison.

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