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## China

While many governments have praised recent developments in China, the country remains a one-party state that does not hold national elections, has no independent judiciary, leads the world in executions, aggressively censors the Internet, bans independent trade unions, and represses minorities such as Tibetans, Uighurs, and Mongolians.

The Chinese Communist Party (CCP) still has not come to terms with the 1989 Tiananmen massacre, refusing to publish information about the number of persons killed, injured, “disappeared,” or arrested or to admit that the attack on peaceful protestors was a mistake.

In spite of its socialist roots, China faces serious challenges stemming from growing disparities between rich and poor, and urban and rural populations. Along with official corruption, such disparities in 2005 fueled a rise in protests and demonstrations from workers, farmers, people forcibly evicted from their homes, victims of police abuse, and HIV/AIDS activists, among others. According to official figures, there were seventy-four thousand protests in China in 2004 involving 3.5 million people, up from fifty-eight thousand protests in 2003. China’s leaders’ preoccupation with social stability has increased accordingly.

Government and CCP leaders have responded to the increasing social mobilization with a multi-faceted crackdown on demonstrators and their allies and with repression of means for disseminating information and organizing protests, particularly the Internet. Apprehension that so-called hostile foreign forces are bent on destabilizing China has led authorities to censor incoming and outgoing news and personal communications across borders and to impose long prison sentences on academics, intellectuals, and journalists for expressing political opinions challenging official views. Plans by some officials to ease regulations and give more room to civil society, including grassroots groups, appear to have been shelved.

There has been some progress. In March 2004, China amended its constitution to read “The State respects and protects human rights.” Although the constitution is not directly enforceable, the amendment does offer some hope that human rights will be legally protected. The term human rights has now made its way into common discourse in China.

### ***China’s Legal System***

New laws and regulations in 2005 detailing the parameters of permitted religious activities and limiting the formation of news organizations are the latest manifestations of China’s ongoing attempt to position

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itself as a society ruled by law. Although improvements in some areas, particularly in commercial law, are noticeable, judicial processes are still compromised by political interference, reliance on coerced confessions, legal procedures weighted in favor of the state, closed trials, and administrative sentencing.

Convictions on charges of “subversion” and of “leaking state secrets” continue to result from vaguely-worded state security and state secrets laws. Shi Tao, an established journalist, was sentenced to a ten-year prison term in April 2005 for “leaking state secrets abroad.” The secret was a directive banning journalists from reporting on the presence of overseas dissidents seeking to commemorate the fifteenth anniversary of the Tiananmen massacre. In September, Zheng Yichun was sentenced to a seven-year prison term for “incitement to subversion.” Evidence included articles he had written for foreign publications and websites and for his association with the *Epoch Times*, a publication allied with Falungong, a spiritual group banned in China as a cult.

Plans to revise China’s Criminal Procedure Law proceeded slowly in 2005. Long-discussed proposals to add a judicial component to reeducation through labor regulations appear to have stalled.

### ***Restrictions on Freedom of Expression***

Critics have labeled China’s ever more sophisticated system of controls on the Internet the “Great Firewall of China.” More than sixty individuals were imprisoned at this writing for peaceful expression over the Internet.

In early January 2005, the head of the Publicity Department of the Chinese Communist Party Central Committee signaled that controls over publishing, the Internet, and short messaging systems (SMS) would be significantly tightened to ensure social stability. In September, the Ministry of Information Industry and the State Council introduced new regulations on Internet news which prevent distribution of any uncensored version of a news event or commentary. Internet portals, e-mail systems, and SMS were all affected.

More than 103 million Internet users face sophisticated filters, registration of all personal domestic websites, and personal responsibility for all content. The government closes websites without warning. In October, two Mongolian sites and Yannan, which tracked a rural protest, were shut down.

Internet café users, after presenting identification, are issued user numbers which make it easy to track their web use. In February, education officials cut off hundreds of thousands of users by decreeing that only enrolled, on-site college students, using their real names, could access university Internet message boards.

In an increasing number of instances, global Internet companies have been complicit in the repression, insisting they must abide by the rules and regulations of the countries in which they operate. Google does not list links to sites banned in China; certain words may not be used as titles for Microsoft blogs;

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and Yahoo!, which three years ago signed a Public Pledge on Self-discipline for the Chinese Internet Industry, provided information that helped Chinese authorities arrest Shi Tao (see above).

New restrictions have affected traditional media. A 2005 regulation now obliges Chinese reporters not affiliated with official media outlets to secure a license, obtainable only after attending classes, passing a written examination, and submitting an essay reflecting the ideological training they received. Certain topics are taboo. In 2005, mainland journalists could not file their own stories about the death of Zhao Ziyang, former premier of China, the anti-Japanese protests, the election of a new Pope, or the incidence of bird flu in China.

Chinese assistants and activists who work for or assist foreign journalists run severe risks. In October 2005, local thugs savagely beat Lu Banglie, who worked with residents of Taishi village, Guangdong province, to unseat a village chief they accused of corruption. Lu was helping a journalist from *The Guardian*, a British newspaper.

In July 2005, the State Administration of Radio, Film, and Television banned regional broadcasters from cooperating with overseas media organizations. In August, the Culture Ministry announced that new applications for licenses to import print and electronic publications would not be accepted. To ensure censorship worked, the police announced a regional system of hotlines for reporting illegal publications.

### ***Labor Rights***

Workers in China may not form autonomous unions. Officials insist that the Party-run All-China Federation of Trade Unions (ACFTU) sufficiently ensures their rights, in spite of unsafe and unhealthy working conditions—according to official figures, sixteen million enterprises are “toxic” and over two hundred million workers suffer from 115 occupational diseases—unpaid wages, pensions lost when state-owned enterprises go bankrupt or are privatized, and forced and uncompensated overtime.

During 2005, workers repeatedly took to the streets. Some went to prison. Li Xintao, formerly a worker at the Huamei Garment Company in Shandong province, was sentenced to a five-year term in May 2005 for “disturbing public order [and] government institutions.” He had tried to collect wages owed by a bankrupt state-owned enterprise. In October, police detained eight workers leading a protest against the closure of a steel plant in Chongqing.

Miners and a “floating population” of rural laborers have suffered disastrous accident rates. In spite of new policies, official figures report that 4,228 people lost their lives in 2,337 coal mining accidents from January through September 2005.

### ***Religious Belief and Expression***

The Regulations on Religious Affairs that went into effect in March 2005 codified religious policy in effect since 1982. All congregations, mosques, temples, churches, and monasteries must be registered to

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be legal. However, registration brings vetting and ongoing monitoring of religious personnel, seminary applicants, and publications; scrutiny of financial records and membership rolls; and veto power over group activities. Failure to register renders a group illegal and subject to closure, fines, and criminal sanctions.

Particularly troublesome are limits on large-scale religious gatherings and on the number of religious sites in a given area; acceptance of “guidance, supervision and inspection” by “relevant departments of the local people’s government;” and a requirement that religious bodies “safeguard unification of the country, unity of all nationalities, and stability of society.” This last requirement is vague enough to give the state control of any and all religious teachings and is rigorously enforced in the Tibet Autonomous Region, in the Xinjiang Uighur Autonomous Region, and in other areas with large concentrations of non-Han populations.

Equally troubling is increased vetting of relationships between Chinese religious bodies and their foreign counterparts. Officials continue to express fears that international religious ties are a façade for Western infiltration.

The new policies have been reflected in round-ups of non-registered Christians attending training sessions. Most are released quickly, some after paying fines. Despite statements suggesting accommodation between China and the Vatican, at this writing some forty Catholic clergy were being detained, imprisoned, or otherwise restricted from freely moving about.

### ***Petitioners—The Xinfang System***

Under China’s unique petitioning system, citizens dissatisfied with decisions by local officials or courts may write letters of complaint or appear in person at petition bureaus, and they may appeal to petition offices in regional capitals and even in Beijing. Repression of petitioners has increased as the number of petitions has grown.

Aggrieved parties have learned that public pressure forces officials to pay attention to issues such as corruption, forced evictions, and police abuse, and millions have taken to filing petitions. Local and regional officials whose careers and income could be jeopardized by popular expressions of discontent have, in turn, relied on ever harsher measures to disperse petitioners, frequently employing “retrievers,” who use force to break up protests and forcibly return home petitioners congregating in Beijing or in provincial capitals.

Although petitions are rarely effective, the growth in number and increased presence of petitioners in major urban areas has forced central authorities to confront systemic problems. New amendments to petitioning regulations, in effect since May 1, 2005, mandate punishment for those who retaliate against petitioners and for officials who fail to carry out their duties. The same regulations, however, restrict petitioner activism.

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## ***Xinjiang and the “War on Terror”***

Chinese authorities appear determined to eradicate an independent cultural identity, and the religious beliefs closely intertwined with that identity, for Uighurs, a Turkic-speaking Muslim population in China’s Xinjiang Uighur Autonomous Region. The campaign, which extends to personal behavior and appearance, includes vetting of literature, destruction of mosques, and discharge of Uighur cadres unwilling to forcibly implement religious directives. Authorities also have fostered extensive Chinese migration into the region leading to economic disparities favoring the newcomers.

Under current policies, children under eighteen may not receive religious instruction and college students fear reprisals, including expulsion, for overt religious expression. “Strike Hard” campaigns subject Uighurs who express “separatist” tendencies to quick, secret, and summary trials, sometimes accompanied by mass sentencing rallies. Imposition of the death penalty is common.

After September 11, 2001, China used the “war on terrorism” to justify its policies, making no distinction between the handful of separatists who condone violence and those who desire genuine autonomy or a separate state. In fact, the authorities treat cultural expressions of identity as equivalent to violent agitation. In February 2005, Uighur writer Nurmemet Yasin was sentenced to a ten-year prison term for publishing “The Wild Pigeon,” an alleged separatist tract. Korash Huseyin, editor of the journal that published the story, is serving a three-year term.

## ***Tibet***

Chinese authorities view the Dalai Lama, in exile in India since 1959, as the linchpin of the effort to separate Tibet from China and view Tibetan Buddhist belief as supportive of his efforts. Thus, the government limits the number of monasteries and monks, vets all applicants for the monkhood, interferes with the selection of monastic leaders, prohibits performance of traditional rites, and conducts ongoing reeducation campaigns centered on opposition to the Dalai Lama. In July 2005, the chairman of the Tibetan Autonomous Region announced that China would choose the next Dalai Lama.

Suspected separatists are routinely imprisoned; at this writing such individuals included two monks from Sichuan who received eleven-year prison sentences, probably in early 2005, for hoisting the banned Tibetan flag. Chinese authorities have long refused to allow access to the boy the Dalai Lama identified in 1995 as the new Panchen Lama (the second most important personage in Tibetan Buddhism), instead keeping him under virtual house arrest most likely in Beijing. In his place, Chinese authorities recognized another boy as the Panchen Lama and in June 2005 in Sichuan they ordered monks to come out in force to greet him. Authorities held several suspected “troublemakers” in preventive detention in advance of the visit.

In January 2005, Nepal abruptly closed the Tibetan Refugee Welfare Office in Kathmandu, jeopardizing a long-standing agreement under which Tibetans hoping to reach India could wait in Nepal until the

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office of the U.N. High Commissioner for Refugees (UNHCR) cleared them. Although Tibetans in Nepal have met the government's conditions for replacing the office, Nepali authorities have stonewalled. Pressure from China is assumed to have been behind the closing and the refusal to accept another Tibetan organization as a replacement.

Schools in Tibet limit use of the Tibetan language and neglect to teach students Tibetan history and culture. Officials do not tolerate privately-run Tibetan schools.

### **HIV/AIDS**

Although Chinese authorities have announced new steps to address the country's burgeoning HIV/AIDS crisis, they continue to obstruct the efforts of activists and grassroots organizations to contribute to prevention and education among vulnerable groups and to organize care-giving for those infected. Regulations have thwarted activists' attempts to register their organizations and to raise funds, while Internet censorship has restricted the kind of information available to individuals at high-risk. Activists who attempt to bring problems related to the crisis to media attention have been particularly vulnerable to harassment.

### **Forced Evictions**

With courts offering little protection, urban and rural residents have banded together to protest collusion between developers and local officials who forcibly evict them from their urban homes or, without offering adequate compensation, sell off the land they have been farming. Residents rarely win, in part because land is not individually owned and in part because local judges owe their jobs to local government and Party leaders. A 2003 constitutional amendment that protects "lawful private property" has not brought redress.

Protest organizers, such as Song Shitai in Shanghai, face intimidation and violence. The city forcibly relocated fifty-five thousand families in 2004. With building for the 2010 World Expo already underway, the 2005 tally is expected to be even higher. In March 2005, Chinese officials announced plans to move five hundred thousand families to the outskirts of Beijing in order to protect the environment. In September, they announced that twelve "shabby" villages near 2008 Olympic sites would be demolished.

### **Hong Kong**

When Hong Kong became a Special Autonomous Region within the People's Republic of China in 1997 under the principle of "one country, two systems," it was promised a "high degree of autonomy." The Hong Kong government's October 2005 proposal for constitutional reform, ostensibly an incremental step toward "universal suffrage," failed to mention how and when Hong Kong's citizens would achieve that goal.

There is no indication that Beijing, which reserves to itself the right to veto any proposed electoral change and to interpret the Basic Law, Hong Kong's mini-constitution, will support any initiative to

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further “one-person, one-vote” democracy in Hong Kong. At the first meeting of its kind between Hong Kong’s pro-democracy legislators and Guangdong provincial officials, sharp disagreement erupted over the issue.

### ***Human Rights Defenders***

China has never tolerated independent monitoring and reporting of human rights abuses. Lawyers and activists who use Chinese law to assist rights victims are particularly at risk. Since August 2005, officials in Shandong province have confined Chen Guangcheng, a blind local farmer, to his home and tolerated his repeated beatings by local thugs. Chen had been working with Beijing-based lawyers to prepare a suit against local officials who committed human rights abuses during enforcement of China’s family planning policy.

Later in August, China closed down the Empowerment and Rights Institute and, for a time, restricted the freedom of Hou Wenzhou, its founder. The organization had been advising farmers and petitioners about their rights.

Yang Maodong (more commonly known as Guo Feixiong), a lawyer who assisted Taishi villagers (see above), was formally arrested on October 4, 2005. He was first detained in September on suspicion of gathering crowds to disrupt social order.

In November 2005, using a thinly veiled administrative pretext, authorities ordered Gao Zhisheng to close his law firm for one year or risk restriction on his personal freedom. Gao’s firm had taken on sensitive cases involving labor issues, cyberdissidents, Falungong and religious practitioners, and the case of Yang Maodong.

HIV/AIDS activists, as mentioned above, have been routinely harassed, detained, and roughed up, but to date, officials have permitted some of their organizations to stay open so long as they operated within government-enforced strictures.

### ***Key International Actors***

China has taken an increasingly active role in international affairs in recent years, in a number of cases blocking independent U.N. investigations into country situations, asserting that the issues under discussion are “the internal affairs” of that country.

At the U.N. Security Council, China was one of several countries initially unwilling to refer the situation in the Darfur region of Sudan to the International Criminal Court in 2005. In the end, rather than veto the measure, China abstained and the referral was made. China reportedly also has used its position on the council’s Sanctions Committee for Darfur to impede identification of individuals responsible for arms trade into and offensive military flights over Darfur.

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China also has played an important role in blocking the Security Council from addressing systematic human rights abuses by Burma's military government. China is Burma's largest investor and supplier of economic and military aid.

In May 2005, two weeks after the Uzbek army killed hundreds of civilians in Andijan, Uzbekistan, the Chinese government greeted Uzbek's president in Beijing with a twenty-one-gun salute and failed to endorse calls for an independent international investigation into the Andijan violence. The Shanghai Cooperation Organization, composed of Russia, China, and four Central Asian states, characterized the Andijan incident as a terrorist plot.

The Chinese government refuses to cooperate with the U.N. special rapporteur on North Korea and refuses to allow the office of the U.N. High Commissioner for Refugees access to border areas where most North Koreans reside.

In 2005, the presidents of China and the United States met briefly in New York in August and in Beijing in mid-November. President Hu also met with Premier Paul Martin in Canada and with Prime Minister Tony Blair, representing the E.U., in Beijing and later in London. Although President Bush, in a speech in Kyoto, Japan on November 17, prodded China to extend political and religious freedoms and to embrace democracy, his Beijing agenda was long on economic and security concerns and short on human rights. Other Western governments' preoccupations were similar. Exchanges with China over human rights have been largely relegated to ineffective bilateral dialogues.

The United States did not table a resolution on China's human rights practices at the United Nations Commission on Human Rights in 2005, apparently in exchange for China's willingness to cooperate with U.N. human rights mechanisms, among other steps. China extended an invitation to the U.N. special rapporteur on torture in 2005 but at this writing still had not extended one to the special rapporteur on religious freedom.

Following his visit to China in October 2005, World Bank President Paul Wolfowitz singled out two non-economic factors, rule of law and participation of civil society, as important for economic development. Both are issues with important human rights aspects. The Bank expects to lend China between U.S.\$1 billion to U.S. \$1.5 billion a year for the next five years.