China

Human rights conditions in China deteriorated significantly in 2006. Authorities greeted rising social unrest—marked at times by violent confrontation between protesters and police—with stricter controls on the press, internet, academics, lawyers, and nongovernmental organizations (NGOs).

Several high-profile, politically-motivated prosecutions of lawyers and journalists in 2006 put an end to any hopes that President Hu Jintao would be a progressive reformer and sent an unambiguous warning to individuals and groups pressing for greater respect for the fundamental rights and freedoms of Chinese citizens. Domestic observers believe that these constraints will remain in place at least through the 2008 summer Olympics being hosted by Beijing.

Layers of Control

The Chinese government continues to use a vast police and state security apparatus to enforce multiple layers of controls on critics, protesters, and civil society activists. Such controls make actual arrests—which draw unwanted international attention—less necessary in silencing critics.

The system includes administrative and professional pressures, restrictions on domestic and foreign movements, covert or overt tapping and surveillance of phone and internet communications, visits and summons by the police, close surveillance by plainclothes agents, unofficial house-arrests, incommunicado confinement in distant police-run guest houses, and custody in police stations. Many are charged with vaguely defined crimes such as “disrupting social order,” “leaking state secrets,” or “inciting subversion.”

Some 100 activists, lawyers, writers, academics, HIV/AIDS campaigners, and human rights defenders were subject to such treatment in 2006, indicating a new crackdown.

China's Legal System

Despite expectations of major new legislative initiatives and vigorous legal debates in academic and professional circles, legal reforms stalled in 2006.

The Criminal Procedure Law has not been amended. The scheduled adoption of a property law, which would have secured private ownership and bolstered the legal rights of common citizens, was unexpectedly shelved. Long-discussed proposals to add a judicial component to "reeducation through labor" regulations also appear to have stalled.

The government took initial steps to reform the death penalty system by requiring the review of all cases by the Supreme People's Court, which is likely to limit the approximately 10,000 executions carried out every year.

New regulations governing organ procurement enacted on August 1, 2006, failed to address the fact that judicial executions are the major source of organs used in transplant surgery in China.

Despite exponentially increasing demands for justice, dispute resolution, and vindication of constitutional rights, the court system provides minimal redress. Although the Chinese Communist Party (CCP) leadership acknowledges that many social protests have been fueled by abuses by local officials, institutionalized political interference in the judiciary allows local power holders to deny justice from plaintiffs and vulnerable groups. The lack of judicial remedies further exacerbates social unrest. The Ministry of Public Security reported August 9, 2006 that there were 39,000 cases of "public order disruptions" in the first half of the year, quadruple what it was a decade ago. Thirteen Chinese villagers arrested after such an incident in Dongzhou, Guangdong Province, where security officers shot at least three protesters, were sentenced on May 24, 2006, to prison terms raging up to four years.

In March 2006, in an effort to curb legal activism around issues such as land seizures, forced evictions, and environmental and labor grievances, the government imposed new restrictions on lawyers representing protesters. As of April, new "Guiding Opinions on Lawyers" require lawyers and law firms to report to and seek

instructions from local judicial authorities—often themselves party to the disputes—in all cases involving 10 plaintiffs or more.

Coerced confessions, legal procedures weighted in favor of the state, closed trials, and administrative sentencing continue to undermine defendants' rights.

Restrictions on Freedom of Expression

The "Great Firewall of China" restricts not only access to the internet, with its 123 million users in China, but also to newspapers, magazines, books, television and radio broadcasts, and film. During 2006, the Chinese government and Communist party officials moved aggressively to plug the wall's holes and to punish transgressors. Premier Wen Jiabao justified the renewed crackdown, stating that "internet censorship is necessary to safeguard national, social and collective interests."

Journalists, bloggers, webmasters, writers, and editors, who send news out of China or who merely debate politically sensitive ideas among themselves, face punishments ranging from sudden unemployment to long prison terms. Censors use sophisticated filters, blocking, and internet police to limit incoming information.

During the first half of 2006, Chinese officials shut down more than 700 online forums and ordered eight search engines to filter "subversive and sensitive content" based on 10,000 key words. In July, a website called Century China and its eight online forums, popular among Chinese intellectuals, was shut down for illegally providing news. In September, two chief editors of *Wang Yi* (NetEase), a top internet portal, were fired for allowing an unauthorized opinion poll. Blogs from prominent commentators and activists continued to be regularly shut down.

By their own admission, global corporations such as Google, Microsoft, Yahoo!, and Skype continue to assist in the Chinese government's system of arbitrary and opaque political censorship in an effort to ingratiate their companies with Chinese regulators. Yahoo! released the identity of private users to Chinese authorities, contributing to four critics' lengthy prison sentences. Microsoft and Google censor searches for what they think the government considers sensitive terms.

Although a Chinese government Information Office official said "no one in China had been arrested simply because he or she said something on the internet," subversion charges in 2006 led to 10, 12, four and two-year sentences respectively for internet writers Ren Ziyuan, Li Jianqiang, Guo Qizhen, and Li Yuanlong.

The CCP and government authorities grew less tolerant of newspapers' exposés of official corruption, rural protests, suspect land deals, and legal misconduct. In January 2006, on orders from party officials, *China Youth Daily* temporarily closed *Freezing Point* (*Bingdian*), its weekly supplement, ostensibly for running an article asserting that Chinese textbooks rewrote history. Despite some unusually outspoken protests, the first ever by former senior party officials, *Bingdian* could not reopen until editor-in-chief Li Datong and his deputy were "reassigned."

China has also impeded circulation of several kinds of news events. A proposed new "Law on the Handling of Sudden Incidents" would require that journalists obtain permission before reporting news of disasters such as floods, public health emergencies, mining accidents, and public order disturbances. In September 2006, new measures mandated that foreign news agencies not sell stories directly to Chinese outlets but submit them first to Xinhua, the official Chinese news agency, for clearance and subsequent distribution.

Foreign journalists are not exempt from harassment, detention, and occasional violence. In August, the Foreign Correspondent Club of China (FCCC) reported "widespread detentions" and some instances of physical assaults of foreign reporters. Chinese nationals working for foreign newspapers are especially vulnerable. In September, Zhao Yan, a researcher for the *New York Times*, was sentenced to three years on fraud charges following a trial marred by due process violations.

Human Rights Defenders

As human rights defenders in China have become more adroit at documenting abuses, Chinese authorities, who have never tolerated independent monitoring, have retaliated with harassment, unlawful detention, banishment from Beijing, and long prison sentences, often on trumped-up charges.

Authorities have particularly targeted a small, loosely-organized network of lawyers, legal academics, rights activists, and journalists, known as the weiquan movement, which aims to pursue social justice and constitutional rights through litigation. The movement focuses on housing rights, family planning abuses, land seizures, workers' rights, and police abuse, among other issues.

Defenders who attempt to track abuses against other activists are particularly vulnerable. Since mid-July 2006, Hu Jia has been held under house arrest and repeatedly taken by the police for interrogation.

Chen Guangcheng, a blind legal activist who exposed abuses connected to family planning was sentenced in August to more than four years in prison on charges of obstructing traffic. In apparent response to considerable international attention, the appellate court in November ordered a retrial, though Chen remains in jail.

After many months of house arrest, police harassment, and threats, Gao Zhisheng, a prominent human rights lawyer, was arrested in October 2006 on state security charges of "inciting subversion." At this writing, Beijing police continued to deny Gao's lawyer permission to visit him.

Legal activist Yang Maodong (also known as Guo Feixiong), who was assisting Guangdong villagers resist land seizures, was formally arrested in September 2006 on charges of "illegal business activities."

In June 2006, a local court sentenced Huang Weizhong, elected by villagers in Fujian to protest land acquisition procedures, to three years in prison.

Labor Rights

The Chinese government continues to prevent workers from forming independent trade unions, arguing that the party-controlled All-China Federation of Trade Unions (ACFTU) sufficiently ensures their rights. As a result, increasing numbers have taken to the streets and to the courts, seeking redress for lost wages and pensions, forced and uncompensated overtime, unlawful wage deductions, employers' violations of minimum wage regulations, and unhealthy and dangerous working conditions.

In what has been viewed as a victory for workers, Wal-Mart accepted unionization within its stores in China in 2006 after the ACFTU, rather than following traditional top-down organizing, began store-by-store grassroots organizing. However, the ACFTU's insistence on a "trade union with Chinese characteristics" and its commitment to work with management in setting up local ACFTU braches have cast doubt on its commitment to advocate for workers on rights such as freedom of association and collective bargaining.

Religious Belief and Expression

China does not recognize freedom of religion outside of the state-controlled system in which all congregations, mosques, temples, churches, and monasteries must register.

Registration entails government 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 religious organization illegal and subject to closure, fines, and criminal sanctions. Despite the restrictions, the number of religious practitioners continues to grow.

Policies have been reflected in round-ups of Protestants—possibly as many as 1,958 in a one-year period ending in June 2006—for attending training sessions and Bible study meetings in unregistered venues. Most are released quickly, some after paying fines. Some leaders are held on trumped up charges, such as "illegal business practices."

The Catholic underground church community and the official Chinese Catholic church continue to disagree over the ordination of bishops. In May, over the objections of the Vatican, the official church installed four new bishops.

The government also curtails religious freedom by designating some groups as cults, such as the Falungong. Leaders and those caught publishing and distributing Falungong literature face severe repression.

Xinjiang and the "War on Terror"

In 2006, China intensified its efforts to use the "war on terrorism" to justify its policies to eradicate the "three evil forces"—terrorism, separatism, and religious extremism—allegedly prevalent among Uighurs, a Turkic-speaking Muslim population in China's Xinjiang Uighur Autonomous Region.

Under current policies local imams are required to vet the text of weekly Friday sermons with religious bureaus. "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.

In 2006, China continued to pressure neighboring countries to arrest and deport politically active Uighurs. In June 2006, Uzbekistan extradited to China Huseyin Celil, a Uighur and a Canadian citizen. At this writing, Celil was being held in Xinjiang with no access to Canadian consular services. In May 2006, Kazakhstan acceded to China's demand that it extradite two Uighurs. In October, China sentenced Ismail Semed to death for "separatism" following his deportation from Pakistan. China also pressed hard, though unsuccessfully, to get Albania to repatriate five Uighurs who, until 2006, had been held by the US at Guantanamo Bay.

Chinese officials have labeled Rebiya Kadeer—a Nobel Prize nominee—a terrorist, and in retaliation for her championing of Uighur rights following her exile to the US in March 2005, have beaten and arrested members of her family in Xinjiang. In October 2006 two of her sons, Kahar Abdureyim, 42, and Alim Abdureyim, 31, were put on trial on tax charges.

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.

Suspected "separatists," many of whom come from monasteries and nunneries, are routinely imprisoned. In January 2006, Gendun, a Tibetan monk, received a four-year prison sentence for opinions expressed in his lectures on Tibetan history and culture.

In June 2006, five Tibetans, including two nuns, were detained for publishing and distributing independence leaflets. In July, Namkha Gyaltsen, a monk, received an eight-year sentence for his independence activities. In August, armed police detained Khenpo Jinpa, an abbot. In September, Lobsang Palden, another monk, was charged with "initiating separatist activities."

On September 30, Chinese People's Armed Police shot at a group of approximately 40 Tibetan refugees attempting to cross the border into Nepal, killing a 17-year-old nun, Kelsang Namtso, and possibly others. The rest of the group fled, though witnesses reported seeing Chinese soldiers marching approximately 10 children back to a nearby camp. The official press agency *Xinhua* claimed that the soldiers were "forced to defend themselves," but film footage showed soldiers calmly taking aim and shooting from afar at a column of people making their way through heavy snow.

In spite of plans for economic development of Tibetan regions, the opening of the Qinghai-Lhasa railroad in July 2006 exacerbated concerns among Tibetans that they would be unable to compete economically with an anticipated influx of Han migrants.

HIV/AIDS

Central government officials have announced new steps to reverse the country's HIV/AIDS crisis, but serious challenges remain. HIV/AIDS is expected to cost China's economy nearly US$40 billion over the next five years.

Local officials and security forces continue to obstruct efforts by activists and grassroots organizations to contribute to prevention and education efforts and to organize care-giving. Although there are hundreds of nongovernmental HIV/AIDS organizations in China, only a few are recognized by the government. In 2006, security officers in several provinces detained and beat activists lobbying for improved compensation for AIDS sufferers who contracted the disease through blood transfusions.

In October 2006, local authorities in Xinjiang shut down the Snow Lotus HIV/AIDS Education Institute, an HIV/AIDS advocacy group with funding from the Global Fund for HIV/AIDS, Tuberculosis and Malaria. The group was closed after it exposed the

exclusion of 19 junior high school students from their school because they were suffering from Hepatitis B.

Forced Evictions and the 2008 Beijing Olympics

Forced evictions have increased as Beijing clears entire neighborhoods to make room for Olympic sites and to beautify the city. An official with the Beijing Municipal Administration of State Land, Resources and Housing has indicated that some 300,000 people are scheduled for relocation to accommodate beautification projects alone.

With courts offering little protection, residents have banded together to protest collusion between developers and local officials who forcibly evict them from their homes or sell off the land they have been farming. Residents rarely win, in part because land is not individually owned.

In mid-September, Beijing municipal authorities shut down over 50 unregistered schools for children of migrant workers, leaving tens of thousands of children without access to education. This followed a discussion by the authorities about ways to expel one-million migrant laborers from Beijing.

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." But Beijing has vetoed moves toward universal suffrage and ruled out direct elections for Hong Kong's legislature in 2007 and for its chief executive in 2008.

In August 2006, pro-Beijing lawmakers adopted a sweeping surveillance bill allowing extensive wiretapping—including of lawyers and journalists. The government has refused to specify when it will reintroduce anti-subversion laws shelved three years ago after the largest demonstration in Hong Kong since 1989.

In August, Albert Ho, a senior legislator from the Democratic Party, was physically assaulted in broad daylight, apparently in connection with his professional activities as a lawyer. The chief executive publicly condemned the incident.

Key International Actors

In 2006 China was elected to the newly-formed UN Human Rights Council. Its candidacy statement asserted that "the Chinese government respects the universality of human rights and supports the UN in playing an important role in the protection and promotion of human rights." However, Chinese diplomatic efforts have focused on doing away with independent UN investigations, on the grounds that "the internal affairs" of a state should not be subject to investigation. China continues to work closely with the "like minded" group of countries, which includes Iran and Zimbabwe, to roll back important human rights protections.

In August, the UN Committee on the Elimination of Discrimination against Women (CEDAW) faulted China for not having incorporated a legal definition for gender discrimination and for failing to act on the Committee's previous recommendations.

China continues to maintain relations with and provide aid to a wide variety of countries, including Sudan and Burma. In 2006, China became the largest investor in Sudan's oil sector but did not use its leverage to publicly press the government to end egregious human rights violations in Darfur or accept a UN force there, and blocked the imposition of targeted sanctions. China provided military assistance to Burma's military junta, which continues to violently suppress civilians.

The Chinese government still refuses to cooperate with the UN special rapporteur on North Korea, and continues to assert that North Koreans are economic immigrants, not refugees. In the wake of Pyongyang's October nuclear test, China took the highly unusual step of curtailing some of its fuel shipments to North Korea, indicating deep unease with Pyongyang's behavior.

Although the European Union and others continued to pursue human rights dialogues with China in 2006, the sessions produced no concrete results and no

further movement toward ratification by China of the International Covenant on Political and Civil Rights (ICCPR).

President Hu Jintao visited the United States in April 2006. Meetings with President Bush and other senior officials focused on business and shared security interests, addressing human rights issues in a largely ritualistic manner with no meaningful pressure for reform. The same pattern held when Premier Wen Jiabao attended the EU-China summit in Helsinki in September, then traveled to Germany and the UK for meetings with Chancellor Angela Merkel and Prime Minster Tony Blair. Despite China's intense lobbying, the EU refused to lift its arms embargo on China, imposed after the crackdown on the pro-democracy movement in June 1989.