

# China Human Rights and Rule of Law Update

February 2, 2009

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## United States Congressional-Executive Commission on China

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## Introduction

### Introduction

As global economic crisis unfolds around the world, its full impact inside China remains unclear. However, as the articles in this newsletter illustrate, the Chinese government appears to be focusing its attention on perceived sources of "instability" across a diverse cross-section of Chinese society. Leading intellectuals, lawyers, writers, farmers, workers, and others who have signed [Charter 08](#), face harassment, detention, and other abuses. So do China's Tibetan and Uyghur citizens, religious adherents, and others who have engaged in peaceful political dissent.

The Chinese government's efforts to control information and its instrumental use of law, which this Commission documented in its [2007](#) and [2008 Annual Reports](#), continues. In January, the Chinese government's efforts to control information included official censorship of portions of President Obama's inaugural address. As this newsletter also shows, the Chinese government continues to invoke criminal law as a tool for punishing peaceful dissent, for punishing spiritual or religious adherents practicing outside state-sanctioned boundaries, and for bolstering security controls in ethnic minority regions. At the same time, many Chinese citizens nonetheless accept the risks of civic activism--and suffer consequences including harassment and detention. On February 9, the UN Human Rights Council in Geneva will review China's human rights record under a mechanism known as the [Universal Periodic Review](#) (UPR). In the months ahead, the Congressional-Executive Commission on China will continue to monitor and report on the Chinese government's record with respect to its international commitments to safeguard fundamental rights and to develop the rule of law.

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## CECC Updates

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### Officials To Strengthen Security Before Anniversaries and During Economic Downturns

Chinese officials have warned of increasing "social unrest" in 2009 and have called for strengthening public security in the run-up to several significant anniversaries and amid the country's economic downturn. Security officials reportedly plan to use the "valuable" and "successful" experience of security measures deployed during the 2008 Beijing Summer Olympic Games to increase security controls in 2009, according to a January 6 People's Daily [article](#) and a January 13 South China Morning Post [report](#) (subscription required). Minister of Public Security Meng Jianzhu called on public security officials to acknowledge the "grave challenge of maintaining national security and social stability" ahead of the 60th Anniversary of the founding of the People's Republic of China in October this year, as reported in the People's Daily article. Chen Jiping, director of the Central Committee for Comprehensive Management of Public Security, was quoted in an interview with the state-run magazine Outlook Weekly as saying that authorities will deploy new measures such as a neighborhood watch program and the creation of special departments modeled on those used during the Olympics that mobilized and used volunteers to help police maintain public order, according to the South China Morning Post report.

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

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### Officials Increase Censorship of Foreign and Domestic Web Sites

Chinese authorities appear to have stepped up censorship of the Internet in recent weeks with increased reports of foreign- and Hong Kong-based Web sites being blocked and the closure of a popular domestic blog hosting site for posting "harmful" political information. In December 2008, foreign and Hong Kong media reported that access from within China to several foreign- and Hong Kong-based news Web sites had been blocked after having been [temporarily unblocked](#) last August around the time of the 2008 Beijing Olympics, according to a mid-December Yazhou Zhoukan (Asiaweek) [report](#) (in Chinese), a December 16 BBC [report](#), and a December 17 South China Morning Post [report](#) (subscription required). The blocked Web sites include the Chinese-language sites for the BBC, Voice of America, and Deutsche Welle, YouTube's Hong Kong and Taiwan sites, and the Web sites for the Hong Kong-based news organizations Ming Pao, Asiaweek, and Apple Daily. Access to some of these sites subsequently was restored, according to a December 19 New York Times (NYT) [article](#). Citing reports from users in Beijing, Shanghai, and Guangzhou, the NYT said that access to its own Web site from within China had been blocked for more than three days, noting the absence of technical issues with the site, and no problems with accessibility from Hong Kong, Japan, and the United States, according to the December 19 article and a December 22 [article](#). Amnesty International (Amnesty) [reported](#) on January 12, 2009, that authorities had resumed blocking its site in China after allowing access for the Olympics.

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### Chinese Media Censor Parts of President Obama's Inauguration Speech

An official "full text" Chinese language [translation](#) of President Barack Obama's January 20, 2009, inauguration speech that appeared in major state-controlled Chinese news media omitted two paragraphs and the words "and communism," according to a review of the translation as it appeared on the Web sites of those media organizations on January 21. In addition, after President Obama said the word "communism," China's national television station, China Central Television (CCTV), cut away from live coverage of the speech, as shown in a [video](#) posted on the CCTV Web site on January 21. (The [full text](#) of the speech is available on the Presidential Inaugural Committee Web site; a [transcript](#) of the speech as delivered by President Obama is available on the New York Times Web site.)

[Click here for the full analysis including an update on this story. This link will open in a new Web page.](#)

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## Officials Harass Charter 08 Signers; Liu Xiaobo Under Residential Surveillance

Chinese authorities have harassed at least 101 signatories of [Charter 08](#) and placed signer and prominent intellectual Liu Xiaobo under residential surveillance at an unknown location in Beijing in apparent violation of Chinese law following his [detention](#) on December 8, 2008, according to Chinese Human Rights Defenders (CHRD) reports on [January 2](#) and [January 9](#). The Central Propaganda Department has warned domestic reporters not to write about or interview any of the charter's signers, while references to the charter appeared to have been removed from the Internet, according to a [January 4 Guardian report](#) and a [December 15-31 CHRD report](#). On the eve of December 10, 2008, the 60th anniversary of the [Universal Declaration of Human Rights](#), more than 300 Chinese citizens [signed and posted online](#) Charter 08, which calls for political reform and greater protection of human rights in China and is inspired by a 1970s charter issued in what was then Czechoslovakia. The [January 9 CHRD article](#) said that more than 7,200 people have signed the document.

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## Chinese Government Mandates "Ethnic Unity Education" to Promote Party Policy on Ethnic Groups

The Chinese government has directed schools throughout the country to implement "ethnic unity education," in a stated effort to promote Communist Party policy on ethnic minorities. The trial [Guiding Program on Ethnic Unity Education in Schools](#), issued November 26, 2008, by the Ministry of Education and State Ethnic Affairs Commission (SEAC) and publicized in December (see a [December 15 Xinhua report](#) on the Central People's Government Web site), calls for "ethnic unity education" starting in grade three of elementary school and extending to high school and vocational schools. Describing work to promote ethnic unity as an "inevitable demand" for strengthening "socialist ethnic relations" and safeguarding stability and unification of the country, the program requires schools to guarantee teaching 10-12 hours a year of "ethnic unity education" in elementary and junior high school, 8-10 hours in high school, and 12-14 hours at the vocational school level. The content of the classes, which must use government-approved teaching materials, includes general information on China's ethnic groups and adds a focus on issues including "safeguarding the unification of the motherland" and "opposing separatism" starting in the upper levels of elementary school. Students in high school also study other multiethnic countries and learn the "superiority of the Communist Party's and [Chinese] state's ethnic minority policy." The "ethnic unity education" curriculum also includes topics such as the state's "guarantee of ethnic minorities' freedom of religious belief" and their rights to "preserve and reform" their customs and "use and develop" ethnic minority languages.

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

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## Lhasa Court Sentences Tibetans for Sharing Information With "The Dalai Clique"

A Communist Party-run newspaper has provided the first detailed information about Tibetans convicted and sentenced to terms of imprisonment for nonviolent activity that authorities link to rioting on March 14, 2008, in and near Lhasa, the capital of the Tibet Autonomous Region. The November 8, 2008, Lhasa Evening News (LEN) report asserted that the defendants had "endangered state security." China's state-run media has previously provided legal process information about the cases of only a few dozen Tibetan "rioters," but almost no information about the large but unknown number of Tibetans believed to have been detained in connection with peaceful protest activity. (See the [CECC 2008 Annual Report](#) for more information on the 2008 Tibetan protests and their consequences.)

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## State Security Cases From Xinjiang Appear to Surge in 2008

Courts in the Xinjiang Uyghur Autonomous Region (XUAR) completed trials in 2008 for a total of 268 cases involving crimes of endangering state security (ESS), a number which appears to represent a surge over previous years, based on available data. (See analysis below for more details.) The XUAR High People's Court announced the number of cases during a report made at a January 9, 2009, meeting of the XUAR People's Congress, according to a [January 10 report](#) on the Xinhua Xinjiang Web site. Crimes of ESS (also translated as "endangering national security") are defined in articles 102-113 of the Chinese [Criminal Law](#) to include acts such as separatism, espionage, and armed rebellion. Many of the ESS crimes carry the possibility of life imprisonment and capital punishment. The apparent rise in ESS cases came during a year in which authorities [implemented harsh security measures](#) throughout the XUAR amid preparations for the Beijing 2008 Summer Olympic Games and protests in [Uyghur](#) and [Tibetan](#) areas of China.

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

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## **Xinjiang Authorities Issue Plan Combining Rural Reform With Continued Political Controls**

Authorities in the Xinjiang Uyghur Autonomous Region (XUAR) issued an opinion in December 2008 to accelerate rural reform and development, combining policies aimed at improving conditions in rural areas with steps to continue tight political controls in the region. The [Opinion on Deepening the Promotion of Rural Reform and Development](#) (Opinion), issued by the XUAR Communist Party Committee and XUAR government on December 8, follows national plans issued in 2007 and earlier in 2008 to [promote development in ethnic minority regions](#). The Opinion sets 2020 as a target date for realizing reform goals and describes as one of its basic principles the need to "grasp reform and development in one hand and unity and stability in the other." The plan precedes a [work report](#) by XUAR government chairperson Nur Bekri, posted January 8, 2009, on the Xinjiang Daily Web site, calling for increased measures to promote stability, while also outlining development objectives for the coming year. (For related information, see also a January 6 [article](#) on the Xinjiang Daily Web site providing an analysis and forecast of economic and social conditions in the XUAR.)

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

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## **Two Young Uyghurs Detained for Distributing Leaflets Calling for Student Demonstration**

Authorities in the Xinjiang Uyghur Autonomous Region (XUAR) capital of Urumqi have detained two young Uyghur men for distributing leaflets on a university campus calling on students to organize a public demonstration. Available information suggests the leaflets may have called on students to protest tobacco and alcohol sales. Two security staff at Xinjiang University (XU) detained 20-year-old Miradil (Mir'adil) Yasin and 19-year-old Mutellip Téyip on December 20, 2008, after seeing them distribute leaflets within the campus gates, according to a December 25 [report](#) of the event on the XU Web site and a Xinhua [report](#) posted January 1, 2009, on the Xinhua Bingtuan Web site. Two people outside the campus gates fled the scene as the detention occurred, according to the reports. The Xinhua article reported that the two Uyghur security staff and their ethnic Hui colleague who interrogated the men were initially unable to understand the contents of the Uyghur-language leaflets, but according to the XU report, university authorities later determined the leaflets had "reactionary" and "malicious" content aimed at "inciting students to demonstrate in the streets and create chaos." The XU authorities reported this information to Urumqi public security offices, which took the two young men into detention.

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

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## **State-Controlled Catholic Church Celebrates Independence from "Foreign Interference"**

China's state-controlled Catholic church held a meeting in December to celebrate the Chinese church's policy of appointing bishops independently of Holy See practices for designating the religious leaders. The Catholic Patriotic Association (CPA) and the Chinese Catholic Bishops Conference, the two Communist Party-controlled organizations that lead China's state-sanctioned Catholic church, convened the meeting on December 19 in commemoration of the 50th anniversary of the church's policy of "self-selecting" and "self-ordaining" bishops, according to a December 19 Xinhua [report](#). (For overseas reporting on the meeting, see a December 19 Union of Catholic Asian News [report](#) and December 20 Asia News [report](#).) Du Qinglin, head of the Communist Party's United Front Work Department and vice-chair of the Chinese People's Political Consultative Conference, said at the meeting that the church began "self-selection" in 1958 to address bishop shortages, "eliminate foreign interference in internal affairs," and "withstand the threat of 'ruthless punishment' from foreign forces." Du called on Catholics to "unflinchingly" continue the church's policy of independence and said that as one of the pre-conditions for improving Sino-Vatican relations, the Vatican must not interfere in China's internal affairs, including by "using religion to interfere." As noted in the Congressional-Executive Commission on China [2008 Annual Report](#), the two countries do not maintain diplomatic relations.

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## **Authorities Target Protestant House Churches for Harassment, Detentions in December**

Authorities disrupted several Protestant house church gatherings in December, in some cases detaining church leaders, according to reports from the China Aid Association (CAA), an organization that monitors conditions for Protestants in China. The CAA also reported a church demolition against a registered church. The reports come amid calls from local authorities in late 2008 [to stem Protestant house church gatherings](#) and meetings of other unregistered religious groups.

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

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## Manipulation of the Criminal Law to Penalize "Cults" Continues in Case of Painter and Popular Musician

Continuing a trend in which the PRC Criminal Law is used to persecute Falun Gong practitioners, a Beijing court sentenced a 40-year-old award-winning artist to three years in prison late last year on account of her association with the banned spiritual movement. On November 25, 2008, the Beijing Chongwen District People's Court sentenced Xu Na to three years in prison for "using a cult organization to undermine the implementation of the law," according to Xu's attorney as reported by the [Associated Press](#) (AP) (reprinted in the International Herald Tribune), [Agence France-Presse](#) (AFP) (reprinted in Yahoo! News), and [Radio Free Asia](#) (RFA) on November 25. The AP reporter spoke with a clerk at the Chongwen court who confirmed that a verdict against Xu was issued, but refused to disclose the details of her sentence.

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

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## Yunnan To Establish Anti-Trafficking Office To Focus on Women and Children

The Yunnan provincial government issued the [Yunnan Province Implementing Opinion on the National Action Plan on Combating Trafficking in Women and Children \(2008-2012\)](#) (Yunnan provincial implementing opinion) for the [National Action Plan on Combating Trafficking in Women and Children \(2008-2012\)](#) (National Action Plan) on November 21, 2008, calling for the establishment of an anti-trafficking office to coordinate the province's anti-trafficking efforts. The implementing opinion, like the National Action Plan, focuses on women and children. Yunnan is the fourth province to issue an implementation plan after the State Council issued the National Action Plan in December 2007. [Guizhou province](#) issued an implementing opinion in May 2008, followed by [Hainan](#) and [Fujian](#) provinces in June 2008.

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

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## UN Human Rights Council To Review China's Human Rights Record

On February 9, the [UN Human Rights Council](#) in Geneva will review China's human rights record under a new mechanism known as the [Universal Periodic Review \(UPR\)](#). The UPR was created on March 15, 2006 by [United Nations General Assembly Resolution 60/251](#) (A/Res/60/251), which established the 47-member Human Rights Council (Council), replacing the Commission on Human Rights. The UPR mechanism "involves a review of the human rights records of all 192 UN Member States once every four years." ([UN Office of the High Commissioner on Human Rights](#) (OHCHR), [Basic Facts About The UPR](#)). OHCHR describes the UPR as "one of the key elements of the new Council which reminds States of their responsibility to fully respect and implement all human rights and fundamental freedoms. The ultimate aim of this new mechanism is to improve the human rights situation in all countries and address human rights violations wherever they occur." (OHCHR, [Fact Sheet: Human Rights Council-Universal Periodic Review](#)).

[Click here for more information. This link will open in a new Web page.](#)

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