

China Human Rights and Rule of Law Update

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United States Congressional-Executive Commission on China

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The [Congressional-Executive Commission on China](#) adopted its [2008 Annual Report](#) on October 31 by a vote of 22 to 1. The Commission also published a new compilation of case records providing details on [1,088 political prisoners](#) detained or imprisoned in China as of the time of the Annual Report's release.

The findings of this year's Annual Report prompt us to consider not simply what the Chinese government and Communist Party may do in the months and years ahead, but what the United States must do differently in managing our relationship with China in light of developments over the last year. In spite of what the Chinese government has written into its laws and regulations, China's leaders in practice have failed to keep their international commitments, including commitments to WTO norms and other international economic norms, to human rights, including worker rights, to the free flow of information and other safeguards of the rule of law.

We understand that China today is significantly changed from the China of several decades ago, and that the challenges facing its people and leaders are complex. But the Chinese government's and Communist Party's continuing crackdown on China's ethnic minority citizens, ongoing manipulation of the media, and heightened repression of lawyers and human rights defenders reveal a level of state control over society that is incompatible with the development of the rule of law and the advancement of human rights. The Chinese government and Communist Party continue to equate citizen activism and public protest with "social instability" and "social unrest." China's increasingly active and engaged citizens are its most valuable resource for addressing the myriad public policy problems China faces, including food and drug safety, forced labor, environmental degradation, and corruption. Engaging activist citizens, not repressing them, is the key to effective implementation of basic human rights, and to the ability of all people in China to live under the rule of law.

As this [newsletter](#) goes to press, new reports have emerged of child labor and other abuses, and heightened surveillance and censorship of individuals and NGOs. These [developments](#) underline how vital it is that the United States in its relationship with China pursue the issues that are the charge of this Commission: individual human rights, including worker rights, and the safeguards of the rule of law. This is not a matter of one country meddling in the affairs of another. All nations, including ours, have both the responsibility and a legitimate interest in ensuring compliance with international commitments.

CECC Updates

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Child Labor Cases Exposed in Shanghai and Wuhan, Following Spring Scandal in Guangdong

Reports of the employment of underage workers in factories in Shanghai and Wuhan emerged in October, according to October 6 reports from [Civil Rights & Livelihood Watch](#) (CRLW) and [Radio Free Asia](#), as well as an October 21 report from the Hong Kong-based [China CSR](#) and an October 9 entry from a well-known Chinese [blog](#). In Shanghai, a 15-year-old laborer died from wounds suffered at the hands of coworkers at a pipe valve factory earlier this year, while a local blogger exposed several cases of child labor in Wuhan factories in October. These reports follow a child labor scandal in Guangdong that attracted international attention in late spring of this year. Chapter 2 Article 15 of the [PRC Labor Law](#) prohibits the employment of minors under the age of 16. The [PRC Law on the Protection of Minors](#) and the [Provisions on the Prohibition of Using Child Labor](#) also include similar protections for minors.

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

Beijing Requires Photo Registration at All Internet Cafes by December

Beijing officials have issued a "new regulation" requiring all Internet cafes in the city to forward photographs of customers to a city law enforcement department to be kept on file for monitoring purposes, according to an October 16, 2008, Xinhua [article](#). According to the article, by mid-December all Internet cafes will be required to install and use a machine consisting of a digital camera and ID scanner. First-time customers wishing to access computers at a cafe will be required to stand before the machine, known as the "Beijing City Internet Cafe Internet Access Registration Device," which will photograph the customer, scan his or her ID, and forward the information to the [Beijing Cultural Law Enforcement Agency](#). The Xinhua article said that 1,500 Internet cafes in Beijing already have begun using the system, which was first introduced in 2005. Previously, customers had to show only an ID to gain entry.

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China-Dalai Lama Dialogue Round Ends: Party Restates Hard Line, Tibetans Begin Meeting

A senior Communist Party official told the Dalai Lama's representatives during the most recent round of formal dialogue on the Tibet issue that the Dalai Lama should "face reality" and "fundamentally change his political positions," according to a November 6, 2008, Xinhua [report](#). Special Envoy Lodi Gyari and Envoy Kelsang Gyaltsen arrived in Beijing on October 30 for the eighth round of dialogue with Chinese officials since such contacts resumed in 2002, and returned to India on November 5 following official meetings in Beijing on November 4 and 5, according to a November 6 [statement](#) by Gyari (Tibetan Government-in-Exile, 6 November 08). Du Qinglin, Head of the Communist Party United Front Work Department (UFWD) and Vice Chairman of the Chinese People's Political Consultative Conference, reiterated to the envoys the "four no supports," a set of [four new preconditions on the dialogue](#) that he initially pressed upon the envoys in Beijing on July 1 and 2, 2008, during the seventh round of dialogue. UFWD Executive Deputy Head Zhu Weiqun and Deputy Head Sita (Sithar) also met with the envoys during the November meetings, according to Gyari's statement.

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Authorities Restrict HIV/AIDS Activism While the Epidemic Spreads

Although the Chinese government has developed an anti-AIDS policy framework, civil society engagement remains a major challenge in the fight against the epidemic, according to an October 8 [article](#) written by the Executive Director of the United Nations Joint Programme on HIV/AIDS (UNAIDS) published in the state-run China Daily. As of October 2007, an estimated 700,000 new HIV infections reportedly had occurred in China since 2006, representing an 8-percent increase, according to Chinese and UN official statistics cited in the scientific journal Nature's [new study](#) (subscription required) released on October 2, 2008. Among those newly infected, the study reported that men who have sex with men and women in general

had the highest rate of growth.

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Authorities Cancel Plans to Subject Woman to Forced Abortion (Update)

Authorities in the Xinjiang Uyghur Autonomous Region (XUAR) released from the hospital a Uyghur woman who is six months pregnant with her third child, after cancelling plans to subject her to a forced abortion for violating the region's population planning regulations, according to reports from Radio Free Asia (RFA). Unable to pay a 45,000 yuan (US\$6,591) fine for exceeding the number of births permitted under the region's population planning system, Arzigul (Arzugül) Tursun, a villager from Ghulja county, initially fled home to avoid being forced to have an abortion in place of paying the fine, RFA [reported](#) on November 13. After pressuring Arzigul Tursun's family to locate her, authorities also coerced Arzigul Tursun's husband into signing papers to approve the abortion, RFA reported. After authorities took Arzigul Tursun to the hospital, hospital staff postponed the abortion from November 13 to November 17, according to RFA. Kept under guard, Arzigul Tursun fled the hospital on November 16 but was found the next day and taken to another hospital, RFA [reported](#) on November 17. Authorities later released her from the hospital without carrying out the abortion, according to a November 18 [report](#) from RFA. An official cited in the article said Arzigul was not healthy enough to undergo the abortion.

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

State Council Issues New Foreign Journalist Regulations

The State Council on October 17, 2008, issued the [Regulations of the People's Republic of China on News Covering Activities of the Permanent Offices of Foreign News Agencies and Foreign Journalists](#), which became effective immediately. The new regulations make permanent the less restrictive conditions introduced by the [Regulations on Reporting Activities in China by Foreign Journalists During the Beijing Olympic Games and the Preparatory Period](#) (Olympic Regulations), which took effect on January 1, 2007, and expired on October 17, 2008, the day the new regulations became effective. Prior to the Olympics Regulations, [rules from 1990](#) required foreign journalists to obtain the approval of a local foreign affairs office before reporting outside of Beijing, a process that sometimes took days. Like the Olympic Regulations, the new regulations allow journalists to travel to much of China for reporting without prior approval and, to interview individuals or organizations, require only the consent of the interviewee.

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Authorities Target Religious Leaders During, After Olympic Games

Chinese authorities have continued to target religious leaders for harassment, detention, and other abuses, in the midst and aftermath of the Olympic Games. China's preparations for the sporting event ushered in a period of [heightened government scrutiny and control over communities including religious groups](#). Recently reported cases include:

- *Pastor Zhang Mingxuan*. Public security officers in Zhengzhou, Henan province, detained house church leader Zhang Mingxuan on August 6, according to August 6 and August 29 press releases from the China Aid Association (CAA). Authorities released him on August 29, but barred him from returning to Beijing until after the Paralympics Games, which ended on September 17. Zhang arrived back in Beijing on September 21, CAA reported in an October 1 [press release](#). After the religious affairs bureau intervened following harassment of Zhang by public security officials, Zhang was able to resume house church services the following Sunday, CAA reported. On October 16, however, public security officers beat two of Zhang's sons, one of whom was severely injured, and detained Zhang, Zhang's wife, and his sister-in-law with the apparent aim of blocking their attendance at a ceremony for the Chinese House Church Alliance, according to October 16, October 22, and November 6 press releases from CAA. After holding them in Nanyang, Henan province, authorities released them on October 27, the November 6 press release reported. As noted in the Congressional-Executive Commission on China [Political Prisoner Database](#), earlier in July authorities had forcibly moved Zhang from Beijing. Zhang said police told him they wanted him out of the city during the Olympics to prevent him from speaking to foreigners. In June, Beijing public security officers detained Zhang for two days for attempting to meet with a European Union representative and placed him under house arrest following his meeting with two Members of the U.S. Congress.

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

Authorities Increase Repression in Xinjiang in Lead-up to and During Olympics

Officials in the Xinjiang Uyghur Autonomous Region (XUAR) called again in August for the use of harsh security measures to crack down against the government-designated "[three forces](#)" of terrorism, separatism, and extremism, according to reports from Chinese media. On August 13, Wang Lequan, XUAR Communist Party Chair, described the battle against the "three forces" as a "life or death struggle" and pledged to "strike hard" against their activities, according to an [August 14 report](#) from the Xinjiang Daily. XUAR Party Committee Standing Committee member Zhu Hailun reiterated the pledge to "strike hard" at an August 18 meeting, according to an [August 19 report](#) from the Xinjiang Daily. The announcements followed the release of limited information on terrorist and criminal activity in the region (see, e.g., Xinhua reports from [August 4](#), [6](#), [10](#), and [12](#)) and came amid a series of measures that increased repression in the region, including:

- *Wide-scale Detentions.* Authorities have carried out wide-scale detentions as part of security campaigns in cities throughout the XUAR, according to a [September 4 report](#) from the Uyghur Human Rights Project (UHRP). Reported measures include "security sweeps" resulting in mass detentions in the Kashgar area and Kucha county, including blanket detentions in Kucha of young people who have been abroad; the detention of non-resident Uyghurs in Korla city; the forced return of Uyghur children studying religion in another province and their detention in the XUAR for engaging in "illegal religious activities;" and the detention of family members or associates of people suspected to be involved in terrorist activity.

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