

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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Statement of CECC Chairman Byron Dorgan and Cochairman Sander Levin Congratulating Nobel Laureate Liu Xiaobo

Today we congratulate imprisoned Chinese writer and democracy advocate [Liu Xiaobo](#), winner of the 2010 Nobel Peace Prize 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 currently is serving an 11-year sentence in a Chinese prison for "inciting subversion of state power." Those in China, like Mr. Liu, who advocate for peaceful reform seek to advance debate on good governance, human rights, and the rule of law. Their commitment and contribution to their country must be recognized, as the Nobel Committee has done, and their rights must be protected. Unfortunately, the extraordinary measures that Chinese authorities have taken to stop Chinese citizens from publicly expressing support for Mr. Liu and to prevent Mr. Liu's friends and family from attending today's ceremony in Oslo show the world the Chinese government's clear failure to implement the rule of law and to protect human rights that are provided under China's Constitution and laws, and under China's international human rights obligations.... [Click here for the full statement »](#)

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CECC News and Analysis

Xinhua Article Claims Liu Xiaobo Case Meets International Standards

Official Chinese media have argued that the 11-year sentence for "inciting subversion," imposed last year on Nobel Peace Prize recipient Liu Xiaobo in connection with his writings, is consistent both with international human rights standards and with the practices of other countries, notably North American and Western European countries. The

Chinese central government's news agency, Xinhua, published an article on October 25, 2010, that makes this claim based on the arguments of a noted Chinese legal scholar who specializes in criminal law. The Commission has translated this article into English and provides the full text and translation [here](#). As the Commission noted in its 2010 Annual Report, Chinese officials increasingly have sought to portray their practices as consistent with international human rights standards.

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Mongol Activist, Family Members Harassed and Detained as Release Date of Political Prisoner Hada Nears

In advance of Mongol activist and political prisoner Hada's anticipated December 10 release from prison, authorities in Inner Mongolia have harassed, placed under house arrest, and detained some of Hada's family members and fellow activists. Public security officers took Hada's wife Xinna into detention on December 4. They also took her son Uiles into custody on December 4 and released him later that day, but placed him in detention on December 5. In mid-November, authorities placed Mongol activist Govruud Huuchinhuu under house arrest, in apparent connection to her plans to greet Hada upon his anticipated release from prison. The legal basis under which she was confined to her home is not clear. Officials reportedly later allowed her to leave her home, but continue to keep her under watch. The recent events underscore the challenges Mongols have faced in upholding their rights and preserving their culture. Authorities in Inner Mongolia have repressed independent expressions of ethnic identity among Mongols, implemented policies that have eroded Mongols' pastoral livelihoods, and placed curbs on Mongolian language Web sites.

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Authorities Deny Human Rights Lawyers Professional License Renewals

In 2010, Chinese authorities have continued to pressure human rights lawyers that took on sensitive cases or engaged in sensitive human rights work by denying annual professional license renewals. Chinese lawyers must have their professional licenses renewed annually by passing an assessment review overseen by Communist Party-controlled local lawyers' associations and justice bureaus. In recent years, local lawyers' associations and justice bureaus have adopted increasingly strict measures to tighten control of law firms and lawyers in the review process. The July attempts to control and intimidate human rights lawyers follow various events that highlight the ongoing hardships facing Chinese human rights lawyers.

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Government Issues New Draft of Regulations on Demolishing Residential Buildings on State-owned Land

On September 19, 2010, the State Council Legislative Affairs Office (SCLAO) called a meeting of experts in Beijing to discuss a new draft of the Regulations on Expropriation, Demolition, and Payment of Compensation for Residential Buildings on State-owned Land (New Regulations). The New Regulations would replace the 2001 Regulations on Management of Demolition of Urban Residential Buildings (2001 Regulations). The SCLAO issued a comment draft of the New Regulations in January 2010, with the comment period ending in February. The New Regulations followed the publication of an open letter written by five Peking University law professors in December 2009. The professors claimed that the 2001 Regulations violate the PRC Constitution and Property Law.

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Chinese Authorities Prevent Protestants From Attending International Evangelization Conference

Chinese authorities have harassed, detained, or prevented from leaving the country approximately 200 Protestants in China who received invitations to attend an international conference on evangelization in South Africa. Organizers of the Third Lausanne Congress on World Evangelization, which was held in Cape Town from October 16-25, 2010, reportedly invited members of China's unregistered Protestant church communities to attend as participants and invited members of China's state-controlled Protestant church communities to attend as observers. The state-controlled church did not send any representatives to the Lausanne Congress, and authorities in various locations throughout China reportedly warned members of unregistered church communities not to attend the Lausanne Congress because their attendance would "endanger state security."

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Procuratorate Decides Not to Arrest Author Xie Chaoping in Sanmenxia Dam Relocation Program "Book Case"

In Mid-August 2010, public security officials in Shaanxi province detained but did not formally arrest Xie Chaoping, an

author and journalist, on suspicion of "illegal business activities." Chinese media articles had questioned whether local authorities detained Xie because he had recently published a magazine supplement that documented citizen relocation programs associated with the Sanmenxia Dam. In mid-September, procuratorate officials rejected a request by the local public security bureau (PSB) to arrest Xie on the grounds that there was insufficient evidence in the case. PSB officials released Xie on bail, but are keeping the investigation open. PSB officials also detained and then reportedly released on bail the manager of the print shop where the supplement was printed. Provincial authorities imposed administrative punishments on the magazine that published the supplement. Xie's case highlights the official abuse of criminal law provisions in cases authorities deem politically sensitive, and the risks authors face when writing about subjects that local government officials may believe to be harmful to their reputations.

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Authorities in Xinjiang Use Pledge System To Exert Control Over Village Life

Authorities in the far western region of Xinjiang have been using a system of "pledges" to regulate behavior in parts of the region's villages. Under the pledge system, which began in Hoten district in 2006 and is now present in a few other Xinjiang localities, village residents and village officials enter into agreements with villagers' committees to abide by local village "codes of conduct," or face fines for non-compliance. The pledge system has no explicit basis in Chinese law, though it builds on legal provisions that allow villages in China to pass village codes of conducts as a form of local regulation. Local officials throughout China have used village codes of conduct to implement population planning requirements, regulate social order, and manage local production, among other tasks. The codes as implemented in some localities throughout China have drawn criticism for exceeding their scope of authority as stipulated under law and for being formulated without villagers' input, among other acts. In Xinjiang, authorities have used the pledge system to bolster the efficacy of these codes of conduct, placing special emphasis on the pledges and codes of conduct to curb "illegal religious activity." Fines for failing to comply with controls over religion or other provisions in the pledges may exceed a quarter of the yearly per-capita income in some parts of Xinjiang. The pledge system in Xinjiang sheds light on the controversial role of village codes of conduct throughout China, additional mechanisms of control placed over village life in Xinjiang, and the nature of controls over religion in Xinjiang at the grassroots level.

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Supreme People's Court Approves Fan Qihang Execution Despite Allegations of Torture

In late September 2010, Chinese authorities executed alleged Chongqing criminal syndicate boss Fan Qihang, despite publicly released videos reportedly supporting Fan's claims that he had suffered torture for more than six months. In late July, Zhu Mingyong, Fan's criminal defense lawyer, released the secret video recordings of his client, in which Fan recounts the numerous forms of torture he claimed to have suffered while in police detention and shows related wounds. The high-profile execution comes only months after six Chinese agencies issued regulations to make confessions obtained through torture inadmissible in court. In addition, in August 2010, a group of Chinese lawyers and activists released open letters calling on the Supreme People's Procuratorate and the Supreme People's Court (SPC) to investigate the case and the "common phenomenon" of torture in Chongqing municipality's high-profile anti-crime campaign. The SPC's decision to execute Fan—despite the evidence and advocacy—raises continued doubts over the court's willingness to investigate allegations of torture fully and to implement the new guidelines that aimed to prohibit evidence obtained through torture.

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Henan Authorities Order One-Year Reeducation Through Labor Sentence for Activist's Satirical Tweet

Authorities in Henan province have ordered rights defender Cheng Jianping to serve one year of reeducation through labor for a reportedly satirical online post mocking anti-Japanese protests related to an incident at sea in disputed territory between China and Japan. Cheng has a record of activism and online commentary.

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Proposal To Experiment With Collective Wage Consultations in Guangdong Province Delayed

Recent strikes in the spring and summer of 2010 highlighted the need for more genuine representation for Chinese workers. Partly in response to the strikes, in late August, the government of Guangdong province in southern China released for public comment a third draft of the Regulations on Democratic Management of Enterprises (draft Regulation). As proposed, the draft Regulations would extend workers the right to ask for collective wage consultations—a power currently given only to the state-run unions. In September 2010, under heavy lobbying by members of the Hong Kong industrial community, many of whom operate factories in southern China and are concerned with rising

production costs, the Standing Committee decided to suspend further deliberation of the draft Regulation.

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Legal Scholar and Religious Freedom Advocate Fan Yafeng Harassed, Kept Under Surveillance

Since early October 2010, authorities in Beijing have increased pressure on legal scholar and religious freedom advocate Fan Yafeng—who is a signatory of Charter 08—in apparent connection to the heightened monitoring of unregistered Protestant communities surrounding the October 2010 Third Lausanne Congress on World Evangelization. Public security officers in Beijing have taken Fan into custody for questioning six times since October 12, in at least some of those instances citing "making noise" as the reason. Authorities have reportedly taken measures against Fan that target more than just "noise," however. For example, most recently, they have accused him of "engaging in activities in the name of a social organization," and previously have confiscated copies of a magazine published by a non-governmental organization of which Fan is the director. Public security officers continue to monitor Fan's actions around the clock from outside his home.

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Underage Students Continue To Pick Cotton in Xinjiang Work-Study Program

Authorities in the far western region of Xinjiang have continued to enforce "work-study" programs that require students to pick cotton and engage in other forms of labor. The programs allow schools to take students out of class for periods of one to two weeks a year to engage in fulltime labor, though in some reported cases, students have worked for longer periods. While authorities portray the work-study programs as a means of instilling a work ethic in students, they also have described the programs as a way to meet harvesting quotas and raise revenue for schools. In fall 2009 and 2010, officials stressed the importance of using students to meet labor shortages in the cotton industry, following demonstrations and rioting in the region in July 2009. Although Xinjiang authorities announced in 2008 that students in junior high and lower grades would no longer pick cotton in the work-study programs, reports from 2009 and 2010 indicate that some localities continued to use these younger students to meet the shortage of cottonpickers. Both the work to pick cotton and other forms of work-study exceed permissible boundaries for vocational education and work-study programs as defined in both Chinese and international law.

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Premier Wen Jiabao Calls Freedom of Speech "Indispensable," Comments Reportedly Censored

Chinese Premier Wen Jiabao answered questions on the topics of freedom of expression and political reform during an interview with the U.S.-based international cable network CNN that aired in early October 2010. In his interview, Wen said that freedom of speech was "indispensable" for both developing and developed countries and that the Chinese people's wishes for democracy and freedom were "irresistible." Chinese officials reportedly censored the interview within China.

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