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Bureau of Democracy, Human Rights and Labor

1999

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The People's Republic of China (PRC) is an authoritarian state in which the Chinese Communist Party (CCP) is the paramount source of power. At the national and regional levels, Party members hold almost all top government, police, and military positions. Ultimate authority rests with members of the Politburo. Leaders stress the need to maintain stability and social order and are committed to perpetuating the rule of the CCP and its hierarchy. Citizens lack both the freedom peacefully to express opposition to the Party-led political system and the right to change their national leaders or form of government. Socialism continues to provide the theoretical underpinning of Chinese politics, but Marxist ideology has given way to economic pragmatism in recent years, and economic decentralization has increased the authority of regional officials. The Party's authority rests primarily on the Government's ability to maintain social stability, appeals to nationalism and patriotism, Party control of personnel and the security apparatus, and the continued improvement in the living standards of most of the country's 1.27 billion citizens. The Constitution provides for an independent judiciary; however, in practice, the Government and the CCP, at both the central and local levels, frequently interfere in the judicial process, and decisions in a number of high profile political cases are directed by the Government and the CCP.

The security apparatus is made up of the Ministries of State Security and Public Security, the People's Armed Police, the People's Liberation Army, and the state judicial, procuratorial, and penal systems. Security policy and personnel were responsible for

numerous human rights abuses.

China is making a difficult transition from a centrally planned to a market-based economy. The economy continues to expand. The country is a leading world producer of coal, steel, textiles, and grains. Trade and foreign investment are helping to modernize the economy. Major exports include electronic goods, toys, apparel, and plastics. According to official government statistics, the official gross domestic product (GDP) growth rate during the year was just over 7 percent, but the actual rate was widely considered to be lower by experts. The economy faces growing problems, including state enterprise reform, unemployment, underemployment, and regional economic disparities. Rural unemployment and underemployment combined are estimated to be over 30 percent. Tens of millions of peasants have left their homes in search of better jobs and living conditions. Demographers estimate that between 80 and 130 million persons make up this "floating population," with many major cities counting 1 million or more such persons. Urban areas also are coping with millions of state workers idled on partial wages or unemployed as a result of industrial reforms. In the industrial sector, downsizing in state-owned enterprises prompted 6 million layoffs in the first half of 1999, bringing the total number of urban unemployed to well over 15 million. Industrial workers throughout the country sporadically protested layoffs and demanded the payment of overdue wages and benefits. Overall, however, economic reforms have raised living standards for many, provided greater independence for entrepreneurs, and diminished state control over the economy and over citizens' daily lives. Despite serious economic difficulties in the state sector, individual economic opportunities expanded in the nonstate sectors, resulting in increased freedom of employment and mobility. A constitutional amendment passed in March recognized the private sector as equal in status to the state sector. The total number of citizens living in absolute poverty continues to decline; estimates range from official figures of 42 million to World Bank figures of 150 million. However, the income gap between coastal and interior regions, and between urban and rural areas, is wide and growing. Chinese economists put the ratio of urban to rural income at 12 to 1. Urban per capita disposable income for 1998 was \$656, while rural per capita net income was \$261.

The Government's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent, particularly organized dissent. A crackdown against a fledgling opposition party, which began in the fall of 1998, broadened and intensified during the year. By year's end, almost all of the key leaders of the China Democracy Party (CDP) were serving long prison terms or were in custody without formal charges, and only a handful of dissidents nationwide dared to remain active publicly. Tens of thousands of members of the Falun Gong spiritual movement were detained after the movement was banned in July; several leaders of the movement were sentenced to long prison terms in late December and hundreds of others were sentenced administratively to reeducation through labor in the fall. Late in the year, according to some reports, the Government started confining some Falun Gong adherents to psychiatric hospitals. The Government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms. These abuses stemmed from the authorities' extremely limited tolerance of public dissent aimed at the Government, fear of unrest, and the limited scope or inadequate implementation of laws protecting basic freedoms. The Constitution and laws provide for fundamental human rights; however, these protections often are ignored in practice. Abuses included instances of extrajudicial killings, torture and mistreatment of prisoners, forced confessions, arbitrary arrest and detention, lengthy incommunicado detention, and denial of due process. Prison conditions at most facilities remained harsh. In many cases, particularly in sensitive political cases, the judicial system denies criminal defendants basic legal safeguards and due process because authorities attach higher priority to maintaining public order and suppressing political opposition than to enforcing legal norms. The Government infringed on citizens' privacy rights. The Government tightened

restrictions on freedom of speech and of the press, and increased controls on the Internet; self-censorship by journalists also increased. The Government severely restricted freedom of assembly, and continued to restrict freedom of association. The Government continued to restrict freedom of religion, and intensified controls on some unregistered churches. The Government continued to restrict freedom of movement. The Government does not permit independent domestic nongovernmental organizations (NGOs) to monitor publicly human rights conditions. Violence against women, including coercive family planning practices--which sometimes include forced abortion and forced sterilization; prostitution; discrimination against women; trafficking in women and children; abuse of children; and discrimination against the disabled and minorities are all problems. The Government continued to restrict tightly worker rights, and forced labor in prison facilities remains a serious problem. Child labor persists. Particularly serious human rights abuses persisted in some minority areas, especially in Tibet and Xinjiang, where restrictions on religion and other fundamental freedoms intensified.

Beginning in the spring, Communist Party leaders moved quickly to suppress what they believed to be organized challenges that threatened national stability and Communist Party authority. In the weeks before the 10th anniversary of the June 4 Tiananmen massacre, the Government also moved systematically against political dissidents across the country, detaining and formally arresting scores of activists in cities and provinces nationwide and thwarting any attempts to commemorate the sensitive anniversary. Authorities in particular targeted the CDP, which had already had three of its leaders sentenced to lengthy prison terms in December 1998. Beginning in May, dozens of CDP members were arrested in a widening crackdown and more of the group's leaders were convicted of subversion and sentenced to long prison terms in closed trials that flagrantly violated due process. Others were kept detained for long periods without charge. In one August week alone, CDP members Liu Xianbin, She Wanbao, Zha Jianguo, and Gao Hongming were sentenced to prison terms of 13, 12, 9, and 8 years, respectively. Dissidents also were rounded up in large numbers before the October 1 National Day celebrations. In addition, the press reported that the Government rounded up 100,000 or more persons and sent them out of Beijing under the custody and repatriation regulations prior to the October 1 National Day celebrations, to ensure order.

Control and manipulation of the press by the Government for political purposes increased during the year. After authorities moved at the end of 1998 to close a number of newspapers and fire several editors, a more cautious atmosphere in general pervaded the press and publishing industries during the year. As part of its crackdown against the popular Falun Gong spiritual movement, the Government employed every element of the state-controlled media to conduct a nationwide anti-Falun Gong propaganda campaign reminiscent of the campaigns against the democracy movement that followed the Tiananmen massacre of 1989. The press continued to report on cases of corruption and abuse of power by some local officials.

Unapproved religious groups, including Protestant and Catholic groups, continued to experience varying degrees of official interference, repression, and persecution. The Government continued to enforce 1994 State Council regulations requiring all places of religious activity to register with the Government and come under the supervision of official, "patriotic" religious organizations. There were significant differences from region to region, and even locality to locality, in the attitudes of government officials toward religion. In some areas, authorities guided by national policy made strong efforts to control the activities of unapproved Catholic and Protestant churches; religious services were broken up and church leaders or adherents were harassed, and, at times, fined, detained, beaten, and tortured. At year's end, some remained in prison because of their religious activities. In other regions,

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registered and unregistered churches were treated similarly by the authorities. Citizens worshiping in officially sanctioned churches, mosques, and temples reported little or no day-to-day interference by the Government. The number of religious adherents in many churches, both registered and unregistered, continued to grow at a rapid pace. The Government launched a crackdown against the Falun Gong spiritual movement in July. Tens of thousands of Falun Gong members were reported detained in outdoor stadiums and forced to sign statements disavowing Falun Gong before being released; according to official sources, practitioners of Falun Gong had 35,000 confrontations with police between late July and the end of October. A number of practitioners were detained multiple times. An unknown number of members who refuse to recant their beliefs remain detained; others are serving prison or reeducation-through-labor sentences. An intensive proatheism, "antisuperstition" media campaign also accompanied the suppression of Falun Gong. In October, new legislation banning cults was passed. Adherents of some unregistered religious groups reported that these new laws are used against them.

Although the Government denies that it holds political or religious prisoners, and argues that all those in prison are legitimately serving sentences for crimes under the law, an unknown number of persons, estimated at several thousand, are detained in violation of international human rights instruments for peacefully expressing their political, religious, or social views. Persons detained at times during the year included political activists who tried to register an opposition party; leaders of a national house church movement; organizers of political discussion groups that exceeded what the Government deemed to be the permissible level of dissent; and members of the Falun Gong movement. Some minority groups, particularly Tibetan Buddhists and Muslim Uighurs, came under increasing pressure as the Government clamped down on dissent and "separatist" activities. In Tibet the Government expanded and intensified its continuing "patriotic education campaign" aimed at controlling the monasteries and expelling supporters of the Dalai Lama. In Xinjiang authorities tightened restrictions on fundamental freedoms in an effort to control independence groups.

The authorities released fewer political prisoners before their terms were over than in recent years, although three were released early. In February the journalist Gao Yu was freed 6 months early, after having served 51/2 years in prison. In September Internet dissident Lin Hai was released 6 months early. Shi Binhai, co-editor of the controversial book "Political China," who had been detained without charge since September 1998, was released in March. Liu Xiaobo was freed in October after having completed his 3-year reeducation term. However, at year's end several thousand others, including Bishop An Shuxin, Cai Guihua, Chen Lantao, Chen Longde, Han Chunsheng, Li Bifeng, Li Hai, Liu Jingsheng, Peng Ming, Qin Yongmin, Shen Liangqing, Wang Youcai, Pastor Xu Yongze, Xu Guoxing, Xu Wenli, Yang Qinheng, Zhang Lin, Zhang Shanguang, Zhao Changqing, Zhou Yonjun, Ngawang Choephel, Abbot Chadrel Rinpoche, Jigme Sangpo, and Ngawang Sangrol (see Tibet addendum)--remained imprisoned or under other forms of detention for the peaceful expression of their political, social, or religious views. Some of those who completed their sentences and were released from prison--such as Bao Tong, senior aide to former Communist Party leaders--were kept under surveillance and prevented from taking employment or otherwise resuming normal lives. There were also reports of increasing surveillance of dissidents.

During the year, the Government continued efforts to reform the legal system and to disseminate information about new legislation. Initiatives to improve the transparency and accountability of the judicial and legal systems continued. The Government also expanded efforts to educate lawyers, judges, prosecutors, and the public on the provisions of new laws. A number of statutes passed in recent years--e.g., the Administrative Litigation Law, the Lawyers Law, the State Compensation Law, the Prison Law, the Criminal

Law, and the Criminal Procedure Law--if enforced effectively hold the potential to enhance citizens' rights. The revised Criminal Procedure Law, which came into effect in 1997, provided for the defendant's right to legal counsel, an active legal defense, and other rights of criminal defendants recognized in international human rights instruments. If fully implemented, this law would bring criminal laws closer toward compliance with international norms. However, enforcement of the new statute is poor, and the law routinely is violated in the cases of political dissidents.

Despite intensified suppression of organized dissent, some positive trends continued. Nongovernmental-level village committee elections proceeded, giving citizens choices about grassroots representatives, as well as introducing the principle of democratic elections. Additional experiments with higher level township elections were conducted without fanfare (or official approval by the central Government). Social groups with economic resources at their disposal continued to play an increasing role in community life. As many as 8.9 million citizens had access to the Internet, although the Government increased its efforts to try to control the content of material available on the Internet. Most average citizens went about their daily lives without significant interference from the Government, enjoying looser economic controls, increased access to outside sources of information, greater room for individual choice, and more diversity in cultural life. However, authorities significantly stepped up efforts to suppress those perceived to be a threat to government power or to national stability, and citizens who sought to express openly dissenting political and religious views continued to live in an environment filled with repression.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

The official press reported a number of instances of extrajudicial killings, but no nationwide statistics are available. In October a Falun Gong website reported that Zhao Jinhua, a Falun Gong member in Shandong, died from being beaten while in police custody. However, the official media reported that Zhao died of a heart attack (see Section 2.c.). Two other Falun Gong practitioners also reportedly died while in police custody; the authorities stated that they died of injuries received after jumping from moving trains (see Sections 1.c. and 2.c.). In February a domestic publication reported that a local government worker, suspected of embezzlement, died after 29 hours of police interrogation and torture. There were reports that persons held in custody and repatriation centers (where persons may be detained administratively to "protect urban social order") were beaten while detained, and that some have died as a result (see Sections 1.c and 1.d).

In January the Western press reported that police killed one protester and injured more than 100 others while dispersing villagers in Hunan province (see Section 2.b.). In late October, police killed 6 Uighurs (see Section 5).

There continued to be numerous executions carried out after summary trials. Such trials can occur under circumstances where the lack of due process protections borders on extrajudicial killing (see Section 1.e.). In February, for example, a government radio station in the Xinjiang Uighur Autonomous Region reported that eight "violent terrorists," who "had taken part in many illegal religious terrorist activities in recent years in a vain attempt to split the motherland," had been sentenced to death in public trials. According to

the report, the eight were executed immediately after sentencing (see Sections 1.e. and 5).

In March the Western press reported a 1997 case in which police executed four farmers in rural Guangdong over a monetary dispute. Despite an attempted coverup by local officials, the families of the victims persisted in their demands for justice, lodging 27 separate complaints with the Government, while securing the assistance of a Beijing lawyer and the interest of the country's largest circulation newspaper on legal affairs. The resulting investigation by the Legal Daily finally forced provincial authorities to act. A Hong Kong-based human rights organization reported that seven policemen were arrested in December 1998 for the farmers' murders.

Early in the year, there were a number of apparently unrelated bombings in Liaoning, Guangdong, Changsha, Hunan, Henan, Tibet, Sichuan, and Jiangsu, some of which resulted in death. Based on available evidence, it was not possible to establish links to political or separatist activity; bombs are sometimes used in personal or economic violence.

b. Disappearance

There were no new reports of disappearances. However, the Government still has not provided a comprehensive, credible accounting of those missing or detained in connection with the suppression of the 1989 Tiananmen demonstrations. There were more reported incidents of long incommunicado detentions than in 1998 (see Section 1.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture; however, police and other elements of the security apparatus employed torture and degrading treatment in dealing with detainees and prisoners. Former detainees and the press reported credibly that officials used electric shocks, prolonged periods of solitary confinement, incommunicado detention, beatings, shackles, and other forms of abuse against detained men and women. Prominent dissident Liu Nianchun, who was released in December 1998, reported that guards used an electric stun gun on him. Persons detained pending trial were particularly at risk during pretrial detention due to systemic weaknesses in the legal system or lack of implementation of the revised Criminal Procedure Law.

In February a domestic publication reported that an engineer in Liaoning province, suspected of theft, suffered brain damage as a result of hours of beatings while in police custody. The police eventually determined that the engineer was innocent and released her. She later sued the local government. Chinese reporters who attended her trial said that there were efforts in court to intimidate them. Also in February, a government-owned television station in Sichuan broadcast film taken secretly of city police officers beating and spitting on suspects in an effort to coerce confessions and to extort bribes. In June a Hong Kong human rights group reported that labor activist Guo Xinmin was beaten repeatedly and hung by his tied hands by police interrogators trying to extract a confession. The same human rights organization also received a letter from a former vice mayor of Harbin, which had been smuggled out of prison, in which he claimed to have been beaten and given electric shocks while in custody. According to Amnesty International, some adherents of Falun Gong were tortured with electric shocks, as well as by having their hands and feet shackled and linked with crossed steel chains. There were reports that persons held in custody and repatriation centers were beaten while detained, and that some died as a result (see Sections 1.a and 1.d.).

beat demonstrators in Sichuan province (see Section 2.b.). Police at times used force to disperse Falun Gong practitioners (see Section 2.c.).

Wang Wanxing, who protested in Tiananmen Square in 1992, continued to be held in a psychiatric hospital on the outskirts of Beijing until late August, when he was released for a trial period of 3 months. He reportedly was detained again on November 23, 4 days after he told the hospital director that he might hold a news conference to discuss the conditions he endured in the hospital (see Section 1.d.). Late in the year, according to some reports, the Government started confining some Falun Gong adherents to psychiatric hospitals.

After meeting briefly with a foreign diplomat on November 30, Fu Sheng, a member of the CDP, was detained for 6 days, questioned, and beaten in Beijing (see Section 1.d.).

The Government has stated that "the Chinese judiciary deals with every complaint of torture promptly after it is filed, and those found guilty are punished according to law." As part of its campaign to address police abuse, the Government in 1998 for the first time published national torture statistics, along with 99 case studies, in a volume entitled "The Law Against Extorting a Confession by Torture." The book, which was published by the Supreme People's Procuratorate, stated that 126 persons had died during police interrogation in 1993 and 115 in 1994. Most cases of torture are believed to go unreported.

One overseas human rights group reported in January that there had been some 9,000 cases of mishandling of justice discovered in 1998 and that 1,200 police officers had been charged with criminal offenses. Authorities continued a nationwide crackdown on police corruption and abuses. Government statistics released in March showed that in 1998 corruption prosecutions were up 10 percent, to over 40,000 investigations and 26,000 indictments of officials. In January there were reports that Public Security Bureau Deputy Minister Li Jizhou was detained for corruption. Several other high-ranking Party officials also were prosecuted on corruption charges during the year. Late in the year, National People's Congress Standing Committee Chairman Li Peng issued a warning on police corruption.

Conditions in penal institutions for both political prisoners and common criminals are generally harsh and frequently degrading. Conditions in administrative detention facilities (including re-education-through-labor camps and custody and repatriation centers) are reportedly similar to those in prisons. According to released political prisoners, it is standard practice for political prisoners to be segregated from each other and placed with common criminals. There are credible reports that common criminals have beaten political prisoners at the instigation of guards. Zhang Lin, a dissident living overseas who secretly had returned to China in 1998, was arrested in November 1998 and sentenced to 3 years in a labor camp. While he was conducting a hunger strike to protest harsh camp conditions, fellow inmates at the order of camp guards reportedly beat him. His sentence was extended by an additional year following the incident, according to human rights organizations. Guards in custody and repatriation centers reportedly rely on "cell bosses" to maintain order; these individuals frequently beat other detainees and have been known to steal their possessions. Prominent political prisoners sometimes receive better treatment. Dissident Liu Xiaobo, recently released after 3 years in a labor camp in Dalian, told one foreign diplomat that he had never been beaten and that his treatment was in general better than that of non-political prisoners. The 1994 Prison Law was designed, in part, to improve treatment of detainees and increase respect for their legal

rights. The Government's stated goal is to convert one-half of the nation's prisons and 150 reeducation-through-labor camps into "modernized, civilized" facilities by the year 2010. According to credible sources, persons held in new "model" prisons receive better treatment than those held in other prison facilities. (For conditions in prisons in Tibet, see the Tibet Addendum.)

Adequate, timely medical care for prisoners continues to be a serious problem, despite official assurances that prisoners have the right to prompt medical treatment if they become ill. Nutritional and health conditions can be grim. At year's end, political prisoners who reportedly had difficulties in obtaining medical treatment, despite repeated appeals on their behalf by their families and the international community, included Chadrel Rinpoche, Chen Lantao, Chen Longde, Chen Meng, Fang Jue, Hu Shigen, Kang Yuchun, Liu Jingsheng, Ngawang Sangdrol, Peng Ming, Qin Yongmin, Wang Guoqi, and Zhang Shanguang. Xu Wenli, despite repeated pleas by his family, was denied treatment for hepatitis. Xu tested positive for the disease during a prison hospital examination. Prison officials told Xu's family that the hepatitis had been contracted before his incarceration and was no longer active. However, his family reported that Xu was chronically fatigued and appeared jaundiced; he also reportedly is in need of dental care. Yu Dongyue, who defaced the portrait of Mao Zedong in Tiananmen Square during the 1989 student protests, reportedly is suffering severe mental illness from repeated beatings and mistreatment in a Hunan prison. According to press reports, Hua Di, a Stanford researcher, was sentenced to 15 years in prison in early December but the Government only acknowledges that he was arrested for suspicion of deliberately seeking state secrets. According to credible reports, his health is poor. According to one credible report in 1998, there have been instances in which women in reeducation-through-labor camps found to be pregnant while serving sentences were forced to submit to abortions (see Section 1.f.).

The Government does not permit independent monitoring of prisons or reeducation-through-labor camps, and prisoners remain largely inaccessible to international human rights organizations. Talks with the International Committee of the Red Cross (ICRC) on an agreement for ICRC access to prisons remain stalled. The Government suspended discussions with a prominent foreign businessman and human rights monitor on prisoner accounting, in response to a proposed resolution critical of China at the U.N. Human Rights Commission. Prison visits with family members and others are monitored closely.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remain serious problems; there were more reports of long incommunicado detentions than in 1998. Because the Government tightly controls information, it is impossible accurately to determine the total number of persons subjected to new or continued arbitrary arrest or detention. The Government reported in March that prosecutors had censured police officers 70,992 times in 1998 for detentions that exceeded the legal time limit. According to estimates, thousands more remain incarcerated, charged with other criminal offenses, detained but not charged, or sentenced to reeducation-through-labor. Amnesty International documented 241 specific cases of persons who remain imprisoned or on medical parole for activities related to the 1989 Tiananmen protests alone. Official government statistics report that there are some 230,000 persons in reeducation-through-labor camps, sentenced to up to 3 years through administrative procedures, not a trial. It has been estimated that as many as 1.7 million persons per year were detained in a form of administrative detention known as custody and repatriation before 1996; the number of persons subject to this form of detention reportedly has been growing since that time. According to one report, Liu Xin, who was a 15-year-old junior high school student at the time of his arrest in 1989, remains in a Hunan jail serving a 15-year sentence for arson. Liu had apparently handed a box of matches to his brother-in-law during a demonstration in Shaoyang city in 1989. According to an April

report in the Western press, Lu Decheng, one of three men jailed for throwing paint on the portrait of Mao Zedong in Tiananmen Square, was released in 1998 after serving 9 years of his original 16-year sentence. However, his two colleagues, Yu Dongyue and Yu Zhijian, remain in jail, both reportedly in solitary confinement. Chen Ziming remained under house arrest at year's end. Wang Wanxing, who protested in Tiananmen Square in 1992, was released from a psychiatric hospital near Beijing in late August but was detained and returned to the hospital on November 23, after informing the hospital director that he might hold a news conference on the conditions he endured in the hospital (see Section 1.c.). Late in the year, according to some reports, the Government started confining some Falun Gong adherents to psychiatric hospitals.

The amendments to the Criminal Procedure Law, which came into effect in 1997, represented a significant improvement in the statutes governing arrest and detention. The amendments provide for earlier and greater access for defendants to legal counsel and the abolition of a regulation that allowed summary trials in certain cases involving the death penalty. Under the old system, defendants were not allowed to consult an attorney until 7 days before trial, usually precluding the possibility of mounting an effective defense. The amended law gives most suspects the right to seek legal counsel shortly after their initial detention and interrogation. However, police often use loopholes in the law to circumvent a defendant's right to seek counsel and political activists in particular still have significant problems obtaining competent legal representation of their own choosing.

While the new criminal procedure law represents an improvement over past practice, anecdotal evidence indicates that implementation of the new Criminal Procedure Law remains uneven and far from complete, especially in politically sensitive cases. Differing interpretations of the law taken by different judicial and police departments have contributed to contradictory and incomplete implementation. The Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, the Ministry of State Security, the Ministry of Justice, and the Legal Work Committee of the National People's Congress in 1998 issued supplementary implementing regulations to address some of these weaknesses. During the year, the Government continued its efforts to educate lawyers, judges, prosecutors, and especially the public on the provisions of this and other new laws. In June the Ministry of Justice announced that 500,000 ministry officials would undergo training over the next 3 years as part of "a massive effort to improve the quality of all judicial workers in the country." In March the President of the Supreme People's Court announced that all senior judges in the nation's courts would attend training courses within the next 3 years, with an emphasis on new laws and regulations.

Even if fully implemented, the Criminal Procedure Law still would fall short of international standards in many respects. For example, while the statute precludes a presumption of guilt, it includes no explicit recognition of the presumption of innocence; has insufficient safeguards against use of evidence gathered through illegal means such as torture; the appeals process it provides for fails to provide sufficient avenue for review; and there are inadequate remedies for violations of defendants' rights. However, the law did abolish an often criticized form of pretrial detention known as "shelter and investigation" that allowed police to detain suspects for extended periods without charge. Nonetheless, in some cases police still can detain unilaterally a person for up to 37 days before releasing him or formally placing him under arrest. Once a suspect is arrested, the revised law allows police and prosecutors to detain him for months before trial while a case is being "further investigated." Few suspects are released on bail or put in another form of noncustodial detention pending trial.

The Criminal Procedure Law also stipulates that authorities must notify a detainee's family or work unit of his detention within 24 hours. However, in practice timely notification remains a serious problem, especially in sensitive political cases. Under a sweeping exception, officials need not provide notification if it would "hinder the investigation" of a case. In January Che Hongnian, who had been held incommunicado for nearly 3 months, was sentenced to 3 years of labor in Shandong province, apparently for writing a letter asking how to contact a human rights organization in Hong Kong. His appeal was denied in March.

Police continue to hold individuals without granting access to family or a lawyer, and trials continue to be conducted in secret. For example, the family of China Development Union (CDU) founder Peng Ming was not allowed to see him for weeks after his detention. Police initially dismissed the family's requests to see Peng by claiming they did not have to allow visitation since Peng had not been "formally arrested"--i.e., charged with a specific crime. In July Wang Yingzheng, a 19-year-old activist in Jiangsu Province, was tried in secret for writing an article criticizing official corruption. Wang's family was not notified of the trial until several weeks afterward. In June labor activist He Chaohui also was tried in June at a closed courtroom in Hunan.

As the government broadened and intensified its campaign to eliminate the China Democracy Party, the number of detentions, either temporary or leading to formal arrest, increased significantly. CDP members Dai Xuezhong, Li Guotao, Fu Shenping, Li Zhiying, and He Bawei all were picked up in 1 week in January, interrogated, and later released. In February four CDP members in Wuhan--Lu Xinhua, Chen Zhonghe, Xiao Shichang, and Jiang Hansheng--were arrested for trying to organize the Wuhan Human Rights Forum. Hangzhou CDP member Lai Jinbiao was detained for 5 days in March for trying to organize an "illegal" rally. In the weeks before the sensitive 10th anniversary of the June 4, 1989, Tiananmen Square massacre the Government detained or otherwise confined scores of CDP members. Six CDP activists in the northeastern town of Acheng were picked up on May 2 while holding a meeting to plan commemorative events for June 4. At least 15 other CDP members were detained around the country during the same week. Wu Yilong, Li Bagen, Mao Qingxiang, Li Xi'an, Wang Rongqing, Zhu Yufu, Lai Jinbiao, and Yu Tielong in Hangzhou; Yang Tao in Guangzhou; Wang Wenjiang, Kong Youping, and Wang Zechen in Anshan; He Depu, Wang Zhixin, Gao Hongming and Zha Jianguo in Beijing; Liu Xiaoming and Li Chun in Wuhan; Liao Shihua in Changsha; Zhang Baoqin in Fujian; and Li Jinhong, Liu Shili, and Chen Guojin were among those detained for varying periods of time in the weeks before June 4. Some, such as Gao Hongming and Zha Jianguo, subsequently were sentenced to lengthy prison terms. One Hong Kong nongovernmental organization (NGO) reported more than 160 detentions of political activists in the month before the Tiananmen anniversary.

The campaign intensified after June 4, as detentions continued and a number of those arrested were put on trial or sentenced administratively to reeducation-through-labor (see Section 1.d.). Hebei CDP member Yu Feng was taken away by police on June 8. Tong Shidong, a CDP organizer and physics professor in Hunan, was arrested on June 11 and charged with trying to "overthrow state power" on June 15. On June 19, police rounded up eight CDP activists in Hangzhou--Zhu Yufu, Han Shen, Wang Rongqing, Mao Qingxiang, Yan Zhengxue, Jiang Tanyun, Li Cunrong and Li Bagen--reportedly ransacking Zhu's home in the process and confiscating his computer, address book, and documents. Zhu, Mao, and Xu were tried on October 25 and sentenced to prison terms of 7, 8, and 5 years, respectively. During the week of June 25, Li Xian and Xu Guang were detained in Hangzhou, while Zhang Jian and Liu Jin were held in Hebei. In July Guo Chengming, a lawyer in Shenyang, formally was placed under arrest. Sichuan CDP members Chen Wei and Ouyang Yi were arrested at their homes in August. Five CDP activists--Dai Xuezhong, Wang Wenjiang, Chen Zhonghe, Xiao Shichang, and Quan Li--all were detained in the first week of September. Li Guotao was briefly detained in

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October. On November 30, Fu Sheng, a member of the CDP, was detained, questioned, and beaten in Beijing 2 days after meeting briefly with a foreign diplomat. He was released on December 5.

There were also frequent detentions of non-CDP dissidents during the year. Shenzhen activist Miao Xike was arrested in March after he announced the founding of a "Chinese Rights Party." Chengdu poet Liao Yiwu was detained on his wedding day in March. In April Hangzhou activist Su Huibing was detained after he tried to sweep the graves of Tiananmen Massacre victims during the Qingming holiday in accordance with the holiday's tradition. Police detained dissident Wang Ke in April in Hainan Province before the anniversary of the death of former national leader Hu Yaobang. Also in April, journalist Ma Xiaoming was arrested in Shaanxi province while trying to report on a tax protest by farmers. Detentions and harassment of non-CDP dissidents reportedly increased in the weeks leading up to the June 4 anniversary, apparently in an attempt to forestall any commemoration activities. In mid-May, activist and former Tiananmen Square student leader Jiang Qisheng was detained by authorities in Beijing for authoring and attempting to distribute essays about the 1989 massacre. He was held for several weeks before his family was informed of his whereabouts. In early May, two students at Zhongnan Politics and Law Academy reportedly were arrested for putting up posters to commemorate another student protest; six activists in the northeast and 12 in Changsha also were detained in early May. Police in Changsha reportedly detained Tan Li, Zhou Min, and Yao Xiaozhou in April after they refused to sign agreements stating that they would not hold any commemorations on or around June 4; Tan and Zhou reportedly were detained for a few hours, but Yao remained in detention. Their relatives reportedly were harassed by the authorities at work, and were ordered to try to persuade the dissidents to comply with the authorities' demands. Two persons attempting to demonstrate were detained quickly by police on or near Tiananmen Square on June 4; seven journalists near one of the protesters also were detained briefly and their film was confiscated. Yuan Yongbo, a college student in Hubei province, was arrested in June for putting up posters commemorating the 10th anniversary of the Tiananmen massacre. The China Development Union (which works for environmental and political reform) virtually was shut down by arrests of its members during the year.

In August Xinjiang businesswoman Rebiya Kadeer, her son, and her secretary were detained in Urumqi, the capital of the Xinjiang Uighur Autonomous Region. Kadeer, who was detained while on her way to meet a visiting foreign delegation, was charged in September with passing state secrets to foreigners. Kadeer's husband has criticized the Government's treatment of Uighurs in Xinjiang on broadcasts of the Voice of America and Radio Free Asia.

Authorities detained a number of members of house churches (see Section 2.c.). After the authorities banned Falun Gong in July, tens of thousands of its adherents were detained by the authorities and held for varying periods in stadiums around the country. Most were released after signing statements in which they recanted their beliefs; however, arrests of Falun Gong adherents continued through year's end (see Section 2.c.). In July, the designer and operator of a Falun Gong website in Jilin was arrested; his website reportedly was shut down (see Sections 1.f. and 2.c.). In late October a new anti-cult law was passed, shortly after Falun Gong was declared a "cult" (see Sections 1.e. and 2.c.). In early November, the Government announced that six Falun Gong leaders, some of whom reportedly had been detained since July, were charged with violating the new law. In December, four were sentenced to long prison terms (see Section 2.c.). Hundreds of other adherents were sentenced administratively for terms of up to 3 years in reeducation-through-labor camps. On November 8, the authorities confirmed the formal arrest of 111 Falun Gong members, who were charged with, among other things, disturbing social order and stealing state secrets. This new legislation also was used against

members of unregistered churches and religious groups (see Section 2.c.).

Members of the foreign and Hong Kong press also were detained during the year, often for reporting on subjects that met with the Government's disapproval (see Section 2.a.).

Author Wang Lixiong was detained in Xinjiang on February 4 while collecting information for a book on the region (see Section 2.a.). He was released on March 1 without charge. Visiting academic researcher and librarian Song Yongyi was detained on August 7 in Beijing. After months of detention and interrogation, he was charged on December 24 with "the purchase and illegal provision of intelligence to persons outside China; he was charged on December 24, and remained in custody at year's end. Song, an expert on the Cultural Revolution, traveled to the country to collect materials such as newspaper articles, books, and other publicly available information on that period, as he had on several previous occasions (see Section 2.a.). Song's wife was detained with him in August but was released 2 months later.

In addition, the press reported that the Government rounded up 100,000 or more persons and sent them out of Beijing under the custody and repatriation regulations prior to the October 1 National Day celebrations, to ensure order.

Under the revised Criminal Procedure Law, detained criminal suspects, defendants, their legal representatives, and close relatives are entitled to apply for a guarantor to enable the suspect or defendant to await trial out of custody. In practice, the police, who have sole discretion in such cases, usually do not agree.

In theory, the Administrative Litigation Law of 1989 permits a detainee to challenge the legality of administrative detention, but lack of timely access to legal counsel inhibits the effective use of this law. Persons serving sentences in the criminal justice system can request release under Article 75 of the Criminal Procedure Law or appeal to the Procuratorate, but have no recourse to the courts to challenge the legality or length of criminal detention. In June 1998, Xinhua News Agency reported that Beijing prosecutors had found that 143 criminal suspects in the city had been detained illegally for more than one year. The prosecutors reportedly ordered 141 of them released. There are documented cases in which local officials and business leaders illegally conspired to use detention as a means of exerting pressure in commercial disputes involving foreign businessmen. In February officials reportedly detained Hong Kong businessman Yiu Yun-Fai, after a dispute erupted when he went to check on goods his company ordered. There were also cases in which foreign businessmen had their passports confiscated during such disputes. A Beijing court was to investigate the case of businessman Lok Yuk-shing, a resident of Hong Kong who was detained in Inner Mongolia and held for 8 months because of a debt his employer owed. Australian businessman James Peng, who had been detained since 1994, was released in November.

The State Compensation Law provides a legal basis for citizens to recover damages for illegal detentions. Although many citizens remain unaware of this 1995 law, there is evidence that it is having a growing, if still limited, impact. In February a Hong Kong NGO reported that more than 12,000 villagers from 45 villages in Shaanxi province had filed a lawsuit against the local township government to protest excessive taxation. In September the press reported that a man in Shanxi, who had served a 1-year reeducation term even though he was innocent, had been awarded \$966 (8,000 rmb) in damages. Throughout the year, the official press published numerous articles to raise public awareness of recent laws meant to enhance the protection of citizens' rights, including the Criminal Law, Criminal Procedure Law, State Compensation Law, Administrative Procedure Law, and Lawyers Law.

A major flaw of the new Criminal Procedure Law is that it does not address the reeducation-through-labor system, which permits authorities to sentence detainees administratively without trial to terms of 1 to 3 years in labor camps. Local Labor Reeducation Committees, which determine the term of detention, may extend an inmate's sentence for an additional year. According to the latest available official statistics, there were some 230,000 persons in reeducation-through-labor camps in 1997. More political dissidents were given reeducation sentences in 1999 than during the previous year. In February Peng Ming, the founder of the China Development Union, was sentenced to 18 months of reeducation-through-labor, allegedly for soliciting prostitution. Peng's family and supporters maintained that Peng was framed in retaliation for his political activities. Peng Cheng, who solicited signatures in Shandong for a petition calling on the Government to reverse its stance on the student demonstrations of 1989, was arrested and sentenced in August to 3 years of labor. Zhou Yongjun, an overseas activist who had returned in December 1998, was found in June to be serving a 3-year sentence in a reeducation camp in Guangdong. Returned dissident Zhang Lin had his reeducation sentence extended by 1 year. China Democracy Party members Cai Guihua and Han Lifa, arrested in the fall of 1998, remain in labor camps; their sentences were extended during the year. Chen Longde remained in a labor camp. Defendants legally are entitled to challenge reeducation-through-labor sentences under the Administrative Litigation Law. Persons can gain a reduction in, or suspension of, their sentences after appeal, but appeals are usually not successful because of problems such as short appeal times and inadequate legal counsel that weaken the effectiveness of the law in preventing or reversing arbitrary decisions. Authorities ignored CDU founder Peng Ming's wrongful detention appeal, and he continues to serve his sentence. There have been cases of individuals successfully appealing their reeducation sentences through the courts, though the exact number of successful cases is unknown.

The new Criminal Procedure Law also does not address custody and repatriation, which allows the authorities to detain persons administratively without trial to "protect urban social order." Persons who may be detained under this provision include the homeless, the unemployed, petty criminals, and those without permission to live or work in urban areas; such persons may be returned to the locality in which they are registered. If the location to which they are to be repatriated cannot be determined, or if they cannot be repatriated, such persons may be sent to "resettlement farms." Those unable to work may be sent to "welfare centers." Until they are repatriated, those detained may be held in custody and repatriation centers, and may be required to pay for the cost of their detention and repatriation by working while in detention. Relatives and friends of detainees in these centers reportedly are often able to secure a detainee's release through the payment of a fee. Provincial regulations on custody and repatriation in some cases have expanded the categories of persons who may be detained. In Beijing, for example, those who may be detained specifically include the mentally ill and mentally disabled, and "those who should be taken into custody according to government regulations." Many other persons are detained in similar forms of administrative detention, known as custody and education (for prostitutes and their clients) and custody and training (for minors who have committed crimes). Persons reportedly may be detained for long periods under these provisions, particularly if they cannot afford to pay for their release (see Sections 1.a., 1.c., 1.e., 2.d, 5, 6.c., 6.d., and 6.f.).

By one estimate, more than 1.7 million persons per year might be detained under custody and repatriation or similar regulations. According to the NGO Human Rights in China, the reasons for such detentions are rarely made clear to detainees. There are reports that persons with documentation allowing them to live or work in urban areas have been detained illegally under these provisions; but, because they are not entitled to a trial, they have little recourse if the detaining officials cannot be persuaded to allow their

released. Some are reportedly forced to confess that they were living and working without permits in the urban area in which they were detained, despite having the appropriate documentation; in some cases, such documentation reportedly is destroyed. During the last week of October, a Communist Party official told the foreign press that 3,000 persons from other parts of the country were detained in police sweeps of nonresidents in Beijing. By some estimates, police forced 100,000 or more non-residents out of Beijing prior to October 1 through the custody and repatriation program (see Section 2.d.).

The Government also continued to refuse reentry to citizens who were dissidents and activists (see Section 2.d.). In April dissident Wang Xizhe was denied entry to the country to attend his father's funeral. The Government's denial of permission to some former reeducation--through-labor camp inmates to return to their homes constitutes a form of internal exile (see Section 2.d.).

There were no reports that the Government forcibly exiled citizens; however, dissidents released from prison on medical parole in earlier years continue to be unable to return to the country.

e. Denial of Fair Public Trial

The Constitution states that the courts shall, in accordance with the law, exercise judicial power independently; however, in practice, the judiciary is subject to policy guidance from both the Government and the Communist Party, whose leaders use a variety of means to direct courts on verdicts and sentences in politically sensitive cases. At both the central and local levels, the Government and the CCP frequently interfere in the findings of the judicial system and dictate court decisions. Corruption and conflicts of interest also affect judicial decisionmaking. Judges are appointed by the people's congresses at the corresponding level of the judicial structure, which can result in undue influence by local politicians over the judges they appoint. During a May 1998 conference at a Beijing university, according to informed sources, one expert estimated that more than 70 percent of commercial cases in lower courts were decided according to the wishes of local officials rather than the law. State-run media published numerous articles calling for an end to such "local protectionism" and for the development of a judiciary independent of interference by officials.

The Supreme People's Court (SPC) stands at the apex of the court system, followed in descending order by the higher, intermediate, and basic people's courts. There are special courts for handling military, maritime, and railway transport cases.

During the year, the Government continued a campaign to correct systemic weaknesses in the judicial system and make it more accountable to public scrutiny. The law requires that all trials be held in public; however, in practice, many trials are not. In March the Supreme People's Court issued regulations requiring all trials to be open to the public, except for those involving state secrets, personal privacy, or minors; divorce cases in which both parties request a closed trial; and cases involving commercial secrets. The official media reported in February that all Beijing municipal courts had opened their trials to the public. The media report claimed that some 6,518 cases were tried openly in one month, with some 10,000 citizens observing the trials and 1,000 journalists reporting on them. The Shanghai Intermediate Court also opened its trials in February, except for those involving state secrets, privacy, or minors. Under the new regulations, "foreigners with valid identification" are to be allowed the same access to trials as citizens. However, requests by at least one foreign mission to send an observer to politically sensitive trials have been ignored consistently by the Government. Moreover, none of the numerous trials involving political dissidents were open to the general public. The legal exception for cases involving state secrets, privacy, and minors has been used to keep proceedings closed to the public and even

In June 1998, the President of the Supreme People's Court, Xiao Yang, called for courts to come under the "supervision" of citizens and the media, and in July 1998 state-run television carried the first live broadcast of a trial, a case involving intellectual property. National newspapers gave both events extensive coverage. Programs featuring actual court proceedings have since become a regular television feature, meant in part to educate the public and in part to build greater confidence in the judicial system. In March the Fuzhou City Intermediate People's Court began broadcasting a television program called "Court and Society," featuring live and recorded coverage of actual cases, in an effort to "ensure impartial administration of justice and implement the system of open trials."

The Government continued a self-proclaimed "unprecedented internal shake-up" of the judiciary, which began in 1998. In March the Supreme People's Court reported that 2,512 judges and staff had been punished for misconduct in 1998. The Supreme People's Procuratorate reported that 1,401 prosecutors and staff either had been disciplined or prosecuted in 1998. In October the Procuratorate reported that 1,179 local prosecutors had been dismissed in 1999 for lack of qualifications. In January Procurator General Han Zhubin reported that a former head of the Anticorruption Bureau of the Supreme People's Procuratorate was dismissed for corruption. The Government also reported that 4,200 unqualified judicial workers had been dismissed nationwide, and that 12,045 verdicts had been overturned on appeal by higher courts. The court and procuratorate continued to operate hot lines established in 1998 for the public to report illegal activities by judges and prosecutors. In August a vice president of the Supreme People's Court announced that in the first half of the year the number of court workers who had to be disciplined had dropped 36 percent from the same period the year before.

Police and prosecutorial officials often ignore the due process provisions of the law and of the Constitution. For example, police and prosecutors can subject prisoners to severe psychological pressure to confess, and coerced confessions frequently are introduced as evidence. In May 1998 the top prosecutor, Han Zhubin, said in an interview that use of illegal methods by prosecutors had become "very serious" in some areas. He acknowledged that some prosecutors employed torture to extract confessions and used interrogation rooms like "prison cells" to hold suspects beyond the legal detention period. The Criminal Procedure Law forbids the use of torture to obtain confessions, but one weakness of the law is that it does not expressly bar the introduction of coerced confessions as evidence. Traditionally, defendants who failed to show the correct attitude by confessing their crimes were sentenced more harshly. The conviction rate in criminal cases is over 90 percent, and trials can be little more than sentencing hearings. In most politically sensitive trials, guilty verdicts were handed down immediately following court proceedings that rarely lasted more than several hours. There is an appeals process, but appeals rarely reverse verdicts.

The revised Criminal Procedure Law was designed to address many of these deficiencies and give defense lawyers a greater ability to argue their clients' cases. The amendments abolish a form of pretrial detention called "shelter and investigation," expand the right to counsel, put limits on nonjudicial determinations of guilt, and establish a more transparent, adversarial trial process. However, the amendments do not bring the country's criminal procedures into full compliance with international standards. For example, in "state secrets" cases, the revised Criminal Procedure Law authorizes officials to deny suspects access to a lawyer while their cases are being investigated. The definition of state secrets is broad and vague and subject to independent interpretation by police, prosecutors, and judges, at different stages in a criminal case. Uncertainty regarding the scope and application of this statute has created concern about a detainee's right to legal assistance.

Nevertheless, there are signs that members of the public are beginning to use the court system and the new legal remedies available to it to protect their rights and to seek redress for a variety of government abuses. The Supreme People's Court reported in March 1998 that citizens had filed 90,000 lawsuits against government officials in 1997. In May Leng Wanbao sued the Jilin Province Supreme People's Court for \$136,000 (1.13 million rmb) for wrongly being jailed for "counterrevolutionary crimes" stemming from his involvement in the 1989 Tiananmen protests. In September a Shanxi court awarded a man \$966 (8,000 rmb) in compensation for having been sentenced unjustly to 1 year of reeducation. Nonetheless, in politically sensitive cases, a decision in favor of the dissident remains rare. Shanghai resident Lin Hai, who was arrested in March 1998, was convicted in January and sentenced to a 2-year prison term for "inciting subversion of state power." Lin's crime had been providing e-mail addresses to an overseas Internet web magazine critical of the Government. A higher court rejected his subsequent appeal. Lin was released on September 23, 6 months before the end of his term. In March, police held activist Lai Jingbiao for 5 days; in June a court in Hangzhou dismissed his wrongful detention suit against the police. In June political essayist Fang Jue received a 4-year prison sentence for "economic crimes" and his subsequent appeals were denied.

The first Lawyers' Law, designed to professionalize the legal profession, took effect in 1996. Subsequently the Ministry of Justice drafted relevant regulations to standardize professional performance, lawyer-client relations, and the administration of lawyers and law firms. It also granted lawyers formal permission to establish law firms, set educational requirements for legal practitioners, encouraged free legal services for the general public, and provided for the disciplining of lawyers. Government officials state that there is an insufficient number of lawyers to meet the country's growing needs. The Justice Ministry set a target of 150,000 lawyers, 30,000 notaries, and 40,000 grassroots legal service centers by the year 2000. In March Justice Minister Gao Changli said that the country has over 110,000 lawyers. According to official reports, there are some 9,000 law offices. Lawyers are organizing private law firms that are self-regulating and do not have their personnel or budgets determined directly by the State. More than 60 legal aid organizations have been established around the country, and the Ministry of Justice is establishing a nationwide legal services hot line.

Defendants frequently have found it difficult to find an attorney willing to handle sensitive political cases. Government-employed lawyers still depend on official work units for employment, housing, and other benefits, and therefore many may be reluctant to represent politically sensitive defendants. In January dissident Wang Ce was tried and defended himself, reportedly because lawyers recommended by the court refused to take his case. Nonetheless, a Beijing lawyer who had represented Wei Jingsheng, Xu Wenli, and Fang Jue in the past, agreed to represent Jiang Qisheng, who remained in detention at year's end. In December 1998, authorities blocked attempts by prominent dissidents Wang Youcai and Qin Yongmin to hire lawyers of their own choosing. There were no new reports of the Government revoking the licenses of lawyers representing political defendants, as it sometimes has done in the past. However, Liu Jian, a criminal defense attorney, reportedly was detained in July 1998 after most of the witnesses he had called refused to testify at the trial of a local official charged with taking bribes; Liu was charged with "illegally obtaining evidence" and was detained for 5 months. Liu reportedly was held incommunicado for 10 days, and was beaten and tortured in detention in an effort to force a confession. He eventually pled guilty in exchange for a light sentence, but his criminal record prevents him from practicing law.

Lawyers who try to defend their clients aggressively often have problems with police and prosecutors. In 1998 the Secretary General

of the All China Lawyer's Association said that in the previous 3 years the group had received 59 complaints from lawyers who had been threatened or harassed by law enforcement officials. He predicted that it would take 3 to 5 years for the new Criminal Procedure Law to take root in the legal system. He called for better protection of lawyers and their legitimate role in the adversarial process.

The lack of due process is particularly egregious in death penalty cases. The number of capital offenses has increased from 26 to 65 as amendments were added to the 1979 Criminal Law. They include financial crimes such as counterfeiting currency. A higher court nominally reviews all death sentences, but the time between arrest and execution is often days and sometimes less, and reviews consistently have resulted in the confirmation of sentences. In March the state-run press reported that the Supreme People's Court had upheld the death sentences for two Zhejiang farmers convicted of issuing fake value-added tax invoices worth tens of millions of dollars (several hundred million rmb). Also in March, a banker in Hunan province was sentenced to death for embezzling \$24.4 million (202 million rmb). The death sentence reportedly was suspended for 2 years. On May 12, seven high-ranking Communist Party officials were sentenced to death for smuggling or corruption. Six of the officials were executed on June 7. In late June, 58 persons reportedly were executed for drug trafficking. In September public sentencing rallies reportedly were held in Guangdong prior to the National Day celebrations on October 1; 818 violent criminals were sentenced in this manner, 238 of them to death. Minors and pregnant women are expressly exempt from the death sentence, and only those theft cases involving banks or museums warrant capital punishment. Based on a review of Chinese press accounts, Amnesty International (AI) reported that in 1998 2,701 persons were sentenced to death (compared with over 3,152 in 1997 and 6,100 in 1996 in the midst of the anticrime "Strike Hard" campaign) and 1,769 executions were carried out (compared with 1,876 in 1997 and 4,367 in 1996). AI believes that actual figures were higher because not all death penalties or executions are reported, and the authorities can manipulate such information. Officials say that new safeguards placed on sentencing and execution have reduced the number of death penalty cases. The number of executions that were reported in the Xinjiang Uighur Autonomous Region was particularly high; according to AI, scores of Uighurs, many of whom were reportedly political prisoners, have been sentenced to death and executed in Xinjiang since 1997 (see Section 1. e.).

In recent years, credible reports have alleged that organs from some executed prisoners were removed, sold, and transplanted. Officials have confirmed that executed prisoners are among the sources of organs for transplant but maintain that consent is required from prisoners or their relatives before organs are removed. There is no national law governing organ donations, but a Ministry of Health directive explicitly states that buying and selling human organs and tissues is not allowed. In February 1998, two Chinese nationals were charged in a foreign court with attempting to sell human organs allegedly taken from the bodies of executed prisoners; the charges were dropped in November. At least one Western country has asked repeatedly for information on government investigations of alleged organ trafficking, but to date no information has been released. There have been credible reports in the past that patients from abroad had undergone organ transplant operations on the mainland, using organs removed from executed criminals.

The authorities sentence persons administratively without trial to terms of 1 to 3 years in reeducation-through-labor camps. According to international press reports, some 230,000 persons are serving sentences in reeducation through labor camps. By one estimate, 1.7 million persons per year may also be detained under custody and repatriation or similar regulations, which allow

"undesirable" persons in urban areas to be detained administratively and/or returned to their registered place of residence (see Section 1.d.). Defendants legally are entitled to challenge reeducation-through-labor sentences under the Administrative Litigation Law. Persons can gain a reduction in, or suspension of, their sentences after appeal, but appeals are usually not successful because of problems such as short appeal times and inadequate legal counsel that weaken the effectiveness of the law in preventing or reversing arbitrary decisions.

Government officials deny that China holds any political prisoners, asserting that authorities detain persons not for their political or religious views, but because they violate the law. However, the authorities continued to confine citizens for political and religious reasons. It is estimated that thousands of political prisoners remain incarcerated, some in prisons and others in labor camps.

The 1997 Criminal Law replaced "counterrevolutionary" offenses, which often, in the past, had been used against the Government's political opponents, with loosely defined provisions barring "crimes endangering state security." In September 1998, officials said that there were 1,946 individuals in prisons serving sentences under the Counterrevolutionary Law. Persons detained for such offenses included Hu Shigen, Kang Yuchun, Liu Wensheng, Yu Zhijian, Zhang Jingsheng, and Sun Xiongying. Several foreign governments urged the Government to review the cases of those charged with counterrevolution, given that the crime was no longer on the books, and release those who had been jailed for nonviolent offenses under the old statute. Officials have indicated that a case-by-case review of appeals filed by individual prisoners is possible under the law, and there is one known case of a successful appeal. However, the Government indicated that it would neither initiate a broad review of cases nor grant a general amnesty, arguing that "crimes" covered by the law on counterrevolution still are considered crimes under the Law on State Security. Those charged with counterrevolutionary crimes continue to serve their sentences.

The Government released early at least two political prisoners. Journalist Gao Yu was released in February after serving more than 5 years in prison. Also in February, Sun Weiban was released after serving 9 1/2 years of a 12-year-sentence for his activities during the 1989 prodemocracy movement. In September Internet dissident Lin Hai was released 6 months before the end of his term. However, many others, including Cai Guihua, Chadrel Rinpoche, Chen Lantao, Fan Zhongliang, Han Chunsheng, Jigme Sangpo, Li Bifeng, Li Hai, Ngawang Choephel, Ngawang Sangdrol (see Tibet Addendum), Qin Yongmin, Shen Liangqing, Wang Youcai, Xu Guoxing, Xu Wenli, Xu Yongze, Yang Qinheng, Zhang Lin, Zhang Shanguang, Zhao Changqing, and Zhou Yongjun remained imprisoned or under other forms of detention during the year. In addition the authorities summarily tried and sentenced a large number of political dissidents to long prison terms. In March Guo Shaokun was given a 2-year sentence, reportedly for informing overseas human rights groups and media of a protest by farmers. In July a court in Gansu sentenced labor activists and CDP members Yue Tianxiang, Guo Xinmin, and Wang Fengshan for subversion to 10, 2, and 2 years, respectively. In 1 week in August, courts in Beijing and Sichuan sentenced CDP activists Gao Hongming to 8 years, Zha Jianguo to 9 years, She Wanbao to 12 years, and Liu Xianbin to 13 years--all for alleged subversion. Also in August, poet Yu Xinjiao, who had founded the "Literary Renaissance Party," was sentenced to 7 years for alleged rape. Four members of the Falun Gong spiritual movement were sentenced to prison terms ranging from 7 to 18 years in December (see Sections 1.d. and 2.c).

Criminal punishments can include "deprivation of political rights" for a fixed period after release from prison, during which the individual is denied rights of free speech and association. Former prisoners also can find their status in society, ability to find employment, freedom to travel, and access to residence permits and social services severely restricted. Economic reforms and

social changes have ameliorated these problems for nonpolitical prisoners in recent years. However, former political prisoners and their families frequently are subjected to police surveillance, telephone wiretaps, searches, and other forms of harassment, and may encounter difficulty in obtaining or keeping employment and housing. There were reports that the harassment of dissidents and their families increased during the year.

f. Arbitrary Interference With Privacy, Family, Home, Correspondence

Government interference in daily personal and family life continues to decline for the average citizen. In urban areas, most persons still depend on government-linked work units for housing, permission to have a child, approval to apply for a passport, and other aspects of ordinary life. However, the work unit and the neighborhood committee, which originally were charged with monitoring activities and attitudes, have become less important as means of social or political control.

Despite legal protections, authorities often do not respect the privacy of citizens in practice. Although the law requires warrants before law enforcement officials can search premises, this provision frequently has been ignored; moreover, the Public Security Bureau and the procuratorate can issue search warrants on their own authority. The Constitution states that "freedom and privacy of correspondence of citizens are protected by law." However, in practice, authorities often monitor telephone conversations, facsimile transmissions, electronic mail, and Internet communications of foreign visitors, businessmen, diplomats, and journalists, as well as dissidents, activists, and others. The security services routinely monitor and enter the residences and offices of foreigners to gain access to computers, telephones, and fax machines. All major hotels have a sizable internal security presence. Authorities also open and censor domestic and international mail. Han Chunsheng, a Voice of America (VOA) listener who allegedly sent over 20 letters critical of the Government to a VOA mailbox, remains in prison on an 8-year sentence for counterrevolutionary incitement and propaganda. Government security organs monitor and sometimes restrict contact between foreigners and citizens.

Some dissidents are under heavy surveillance and routinely had their telephone calls with foreign journalists and diplomats monitored; there were reports that surveillance of dissidents increased during the year. Before he was arrested and sentenced to 8 years in prison for alleged subversion, Beijing CDP member Gao Hongming's meetings with foreign diplomats often were monitored and sometimes even videotaped by security personnel. Some dissidents were blocked from meeting with foreigners during politically sensitive periods. Ding Zilin, an organizer of relatives of victims of the Tiananmen massacre, was prevented on at least one occasion from meeting a foreign diplomat when police restricted her and her husband to their Beijing home. The sister of one jailed dissident was ordered not to meet with a foreign diplomat on the eve of October 1 celebrations marking the 50th anniversary of the founding of the People's Republic of China. Dissidents routinely are warned not to speak with the foreign press. Authorities also harassed and monitored the activities of relatives of dissidents. For example, security personnel keep close watch on relatives of prominent dissidents such as Chen Ziming, particularly during sensitive periods. Security personnel followed He Xintong, the wife of Xu Wenli, and Wei Xiaotao, the brother of Wei Jingsheng, to meetings with Western reporters and diplomats on numerous occasions. Internet dissident Lin Hai's father and wife were reportedly under police supervision at a local hotel in January during Lin's trial (see Section 1. e.). In August the wife of Wu Yilong reportedly was detained; the authorities confiscated a computer, books, and other items from her. On the day the Nobel Peace Prize was announced in Sweden, relatives of Wei Jingsheng and Wang Dan, both of whom were nominated for the prize, were detained.

Government harassment has prevented relatives of Chen Ziming, Qin Yongmin and other dissidents from obtaining and keeping steady employment. In April police visited the wife of jailed CDP leader Xu Wenli to warn her not to "stir up trouble" while Chinese Premier Zhu Rongji was visiting the United States. Xu's daughter, who is a student in the United States, recently had published an open letter in a major American newspaper calling for her father's release. In mid-June, the NGO Human Rights In China (HRIC) sent a \$20,000 wire transfer, made up of funds raised from within the overseas Chinese community, to a bank account in China. The funds were intended to help victims of the June 4, 1989 Tiananmen massacre, as well as the families of dissidents. In late July, Li Ling, the intended recipient of the funds, was detained by public security officers and interrogated. Public security officials forced Li Ling to withdraw the money from the bank and confiscated it. By year's end, the money had not been returned. The Government continued to freeze a bank account kept by activist Ding Zilin to help the families of Tiananmen massacre victims, an action criticized by dissidents within China and human rights organizations abroad. Police sometimes detained the relatives of dissidents (see Sections 1.d. and 2.a.).

The Government continued to encourage expansion of the Internet and other communications infrastructure and put more official information online, and the number of sites increased from 25 to 2400; however, the Government increased monitoring of the Internet during the year, and placed restrictions on information available on the Internet. Internet use is expanding exponentially, creating a potentially powerful channel of information to the computer literate. The Government reported that 2.1 million persons and 744,000 computers were connected to the Internet as of the end of 1998. By the end of the year, actual users were believed to number as many as 8.9 million.

The Government has special Internet police units to monitor and increase control of Internet content and access. In January the Ministry of State Security, Information Industry, and Culture, along with the State Administration of Industry and Commerce, issued a circular requiring Internet bars and cafes--locations where customers can rent time on Internet computers--to register. The circular also required managers of such bars to curtail access to information on the Internet that is prohibited by law or regulation, and to monitor and report on customers who use the terminals. In February the Government announced the creation of a new committee charged with "protecting government and commercial confidential files on the Internet, identifying net users, and defining rights and responsibilities." The new entity was created to "guard individual and government users, protect information by monitoring and keeping it from being used without proper authorization." One human rights group reported a national police directive ordering the special units to monitor Internet bulletin boards for "reactionary" notices. According to the directive, if such a posting were discovered, police were to contact the bulletin board service to seek assistance in tracing the message. Bulletin boards that did not stop such "seditious" messages from being posted would be shut down. A spokesman for the Government denied the existence of any such directive. Nevertheless, a popular bulletin board called "Everything Under the Sun," which had carried messages discussing the 10th anniversary of the Tiananmen massacre, was shut down in January, several days after a government newspaper criticized it for attacking government policies and leaders. Another popular bulletin board, the "New Wave Network," which featured political discussion, also was closed in February. In May at least one bulletin board related to the bombing of the Chinese Embassy in Belgrade was shut down. In the period prior to the sensitive Tiananmen anniversary, at least one web site based in Beijing closed its chat rooms as a preventive, self-censorship measure. In May the press reported that Shanghai authorities had issued a notice that restricted pager services and Internet access providers, among others, from transmitting "political information" or information that could harm social stability. On October 7, the Government issued State Council Order Number 273, which required firms using

encryption products or equipment with encryption technology to register with the Government by January 31, 2000. The order provided that after the initial registration, firms using encryption technology would be required to provide the names, phone numbers, and e-mail addresses of all persons using such technology. In addition, the order limited the import or sale of foreign encryption technology within the country. At year's end, it was unclear whether these regulations would be enforced effectively.

Authorities have blocked at various times politically "sensitive" web sites, including those of dissident groups and some major foreign news organizations, such as the Voice Of America, the Washington Post, the New York Times, and the British Broadcasting Corporation (BBC). Web pages run by Falun Gong followers were targeted specifically by the Government as part of its crackdown against the group that began in July. According to one Western press report, an attack against a foreign-based Falun Gong web site was traced back to government security departments. In October a Hong Kong-based human rights organization reported that Zhang Haitao, a computer engineer in Jilin who had designed and operated a Falun Gong website, was arrested on July 29. Zhang's website reportedly was shut down on July 24. In August the official press announced that police were using the Internet to wage "war on the web" against criminals, reportedly employing the Internet to apprehend criminals. Nonetheless, a number of human rights web pages continue to be accessible, including that of the Tibet government-in-exile. The Government's efforts to block content and control usage have had only limited success because sophisticated users can bypass site blocking, and, more importantly, the number of Internet sites that provide outside information and news is growing so rapidly. In October new rules restricted Chinese news sites from creating links to foreign news sites. The links disappeared temporarily, but were back in December. Further, censorship of the Internet appears to be applied inconsistently, and some Internet service providers practice self-censorship.

E-mail and e-mail publications are more difficult to block, although the Government attempts to do so by at times blocking all e-mail from overseas Internet service providers used by dissident groups. The VOA Chinese-language e-mail news server was blocked beginning in April, except for a brief period in July. There also have been reports that the Government is trying to develop an e-mail filtration system to block antigovernment messages from entering the country; a project on such a system at Shenzhen University in Guangdong reportedly is sponsored by the Ministry of Education. Human Rights Watch reports that in May the Ministry of Labor and Social Security (MOLSS) installed monitoring devices at the facilities of Internet service providers that can track individual e-mail accounts. The authorities also target some e-mail users and read their e-mail. Dissident groups abroad use e-mail to send publications and disseminate information to readers in China, and a small but growing number of activists within the country communicate this way as well. An e-mail magazine called VIP Reference News publishes articles mainly from overseas sources on many news stories not covered by the official media. In September Qi Yanchen of Hebei was arrested, most likely for having contact with VIP Reference News; his computer, fax, and notes were allegedly confiscated. At least one dissident has set up his own web site. Some dissident groups, including the China Democracy Party, have established web sites based overseas. When a dissident is harassed or detained, activists using e-mail, faxes, telephones, and pagers can spread the word quickly to colleagues around the country and to the international community.

There is no effective enforcement of 1997 State Council regulations requiring those involved in international networking to apply for licenses and provide details regarding the scope and nature of their activities. The State Council also promulgated a comprehensive list of prohibited Internet activities, including using the Internet to "incite the overthrow of the Government or the Socialist system" and "incite division of the country, harming national unification." The regulations, which came into effect in December 1997, provide

for fines and other unspecified punishments to deal with violators. Shanghai businessman Lin Hai, convicted in January of trying to undermine state power for providing VIP Reference with some 30,000 e-mail addresses, was released in September, 6 months before the end of his term. The authorities continue to jam VOA broadcasts on an ad hoc basis, but the effectiveness of this interference varies considerably by region, with audible signals of the VOA and other short-wave broadcasters reaching most parts of the country (see Section 2.a.). Dissidents and average citizens in Beijing report varying degrees of difficulty in picking up VOA, but VOA believes that these reception problems are mainly technical and not due to intentional Government interference. Government jamming of Radio Free Asia (RFA) appears to be more frequent and effective (see Section 2.a.). In the absence of an independent press, overseas broadcasts such as VOA, BBC, RFA, and Radio France International have a large audience, including activists, ordinary citizens, and even government officials. Che Hongniang, a dissident in Jinan, was sentenced to reeducation, in part for two letters he wrote to the Hong Kong office of VOA.

The Government continued to implement comprehensive and often intrusive family planning policies. The State Family Planning Commission (SFPC) formulates and implements policies with assistance from the Family Planning Association, which has 83 million members in 1.02 million branches nationwide. Officials have predicted that the population will reach almost 1.6 billion in the year 2044 if current birth rates continue. Most Chinese demographers estimate fertility at 2.1 births per woman (although the official figure is 1.8)--indicating that the "one-child policy" is not applied uniformly to Chinese couples. Couples in urban areas are affected most by family planning guidelines, seldom receiving permission to have more than one child, although urban couples who themselves were only children may have two children. In general economic development--as well as factors such as small houses and high education expenses--in major urban centers has reached a level where couples often voluntarily limit their families to one child. There were signs that, due to the success of the one-child policy in urban areas, the Government was beginning to relax its policies in the cities. In May the official press reported that although couples in Beijing were still limited to one child, effective October 1 they were no longer required to obtain a family planning certificate before having their child. At year's end, the effect of this change was unknown. Unmarried women cannot get permission to have a child.

Outside the cities, exceptions to the "one-child policy" are becoming the norm. The average number of children per family in rural areas, where 70 percent of citizens still live, is slightly over two. Although rules can vary somewhat by province, in rural areas, couples generally are allowed to have a second child if the first is a girl, an exception that takes into account both the demands of farm labor and the traditional preference for boys. Families whose first child is disabled also are allowed to have another child. Ethnic minorities, such as Muslim Uighurs and Tibetans, are subject to less stringent population controls. Minorities in some rural areas are permitted to have as many as four children, but increasingly, authorities are pressuring minorities to limit births. Amnesty International reports that while members of the Uighur minority in Xinjiang are allowed to have 2 children in urban areas and 3 in rural areas, there has in fact been pressure for them to have only one. In remote areas, such as rural Tibet, there are no effective limits, but Tibetan government employees and Party members are encouraged to have only one child (see Section 5).

Population control policy relies on education, propaganda, and economic incentives, as well as on more coercive measures, including psychological pressure and economic penalties. The national family planning policy is implemented through provincial and local regulations. According to local regulations in at least one province, women who do not qualify for a Family Planning Certificate that allows them to have a child must use an intrauterine loop or implant. The regulations further require that women who use an

intrauterine device undergo quarterly exams to ensure that it remains properly in place. If a couple has two children, those regulations require that either the man or woman undergo sterilization. According to a credible report, there was a significant increase in the number of couples undergoing sterilization procedures after giving birth to two children in at least one inland province. Rewards for couples who adhere to family planning policies include monthly stipends and preferential medical and educational benefits. In June the press in Guangzhou reported that Yangchun city had issued "certificates of preferential treatment" to 15,000 one-child families, and that city authorities purchased "old-age insurance" for 6,230 families to reward them for having only one child. Disciplinary measures against those who violate policies can include fines (sometimes called a "fee for unplanned birth" or a "social compensation fee"), withholding of social services, demotion, and other administrative punishments that sometimes result in loss of employment. Fines for giving birth without authorization vary, but they can be a formidable disincentive. According to the State Family Planning Commission (SFPC) 1996 Family Planning Manual, over 24 million fines were assessed between 1985 and 1993 for children born outside family planning rules. In Quanzhou, Fujian province, the fine for violating birth quotas is three times a couple's annual salary, to be paid over a 12 to 13 year period. In Shanghai the fine is also three times the combined annual salary of the parents. In Zhejiang province, violators are assessed a fine of 20 percent of the parents' salary paid over 5 years. According to Guizhou provincial family planning regulations published in July 1998, families who exceed birth quotas are to be fined two to five times the per capita annual income of residents of their local area. The regulations also stipulate that government employees in Guizhou who have too many children face the loss of their jobs. In many provinces, penalties for excess births in an area also can be levied against local officials and the mother's work unit, thus creating multiple sources of pressure. In Guizhou, for example, regulations state that officials in an area in which birth targets are not met cannot be promoted in that year. Unpaid fines sometimes have resulted in confiscation or destruction of homes and personal property by local authorities. In June Anhui province promulgated amended family planning rules that stated that each couple "is encouraged" to have only one child, that second births are "strictly controlled," and that "unplanned births are forbidden." Childbearing-age couples are required periodically to take part in pregnancy tests and "practice effective contraceptive measures." Couples already having a child should adopt long-term birth control measures. In the cases of families that already have two children, one of the parents "is encouraged to undergo sterilization." In addition, the rules state that "unplanned pregnancies must be aborted immediately."

Central government policy formally prohibits the use of force to compel persons to submit to abortion or sterilization; however, intense pressure to meet family planning targets set by the Government has resulted in documented instances in which family planning officials have used coercion, including forced abortion and sterilization, to meet government goals. During an unauthorized pregnancy, a woman often is paid multiple visits by family planning workers and pressured to terminate the pregnancy. In 1998 a former Fujian province local family planning official stated that local authorities in a Fujian town systematically used coercive measures such as forced abortion and sterilization, detention, and the destruction of property to enforce birth quotas. After the Fujian allegations were made public, the SFPC sent a team led by a senior official to investigate the charges. In a meeting with foreign diplomats, the senior official did not deny that abuses may have occurred, but insisted that coercion was not the norm, nor government policy, nor sanctioned by central authorities in Beijing. There were reports that, after the central government's investigation, local officials in Fujian scaled back the intensity of their family planning enforcement efforts. The Government provided more information on cases of local officials who had been punished for carrying out coercive family planning measures, including to a delegation representing a foreign country's parliament. Senior officials have said repeatedly that the Government "made it a principle to ban coercion at any level." They acknowledge that problems persist and insist on the Government's determination to address such

problems. The SFPC states that it has issued circulars nationwide prohibiting family planning officials from coercing women to undergo abortions or sterilization against their will. Under the State Compensation Law, citizens also can sue officials who exceed their authority in implementing family planning policy, and there are a few instances in which individuals have exercised this right.

Corruption related to family planning fines is a widespread problem. In March the press reported that one city in Henan province had punished 879 party members and government officials for corruption in family planning. One study reported in January that a survey of nine towns in Jiangsu province revealed that a total of \$717,000 (5.907 million rmb) in "unplanned-birth fees" had been levied in 1997. The study reported that the collection of unfair and unregulated unplanned-birth fees "aroused the resentment of the masses."

In late 1998, the United Nations Population Fund (UNFPA) launched a 4-year pilot project in 32 counties to address family planning and reproductive health issues solely through the use of voluntary measures on an experimental basis, emphasizing education, improved reproductive health services, and economic development. The SFPC worked closely with the UNFPA to prepare informational materials and to provide training for officials and the general public in the project counties. In particular, in order to meet the conditions established by the UNFPA for the implementation of the program, the SFPC and the UNFPA jointly prepared a pamphlet for distribution to all households in the 32 project counties to inform them about the UNFPA program, including the requirement that birth quotas be eliminated in those counties. Although it is still too early for an overall assessment of this program, it is clear from visits to selected counties by foreign diplomats that progress in implementing the program has been mixed. Some counties have made appreciable progress in implementing the program, while others have made relatively little. Notably, some counties have informed the general public about the UNFPA program and have eliminated the system of strict, government-assigned birth quotas; other counties have not yet done so, or have only begun to do so. However, the Government has welcomed foreign delegations to inspect the UNFPA project counties. Although access to these areas has varied from province to province, foreign diplomats visited several counties during the year, and a group of foreign parliamentary staff inspected two counties, one in Guizhou province and another in Chongqing municipality, in September.

Regulations forbid the termination of pregnancies based on the sex of the fetus, but because of the traditional preference for male children, particularly in rural areas, some families have used ultrasound to identify female fetuses and terminate pregnancies. Use of ultrasound for this purpose is prohibited specifically by the Maternal and Child Health Care Law, which came into effect in 1995 and calls for punishment of medical practitioners who violate the provision. According to the SFPC, a handful of doctors have been charged under this law. Government statistics put the national ratio of male to female births at 114 to 100; the World Health Organization estimates the ratio to be 117 to 100. The statistical norm is 106 male births to 100 female births. These skewed statistics reflect both the underreporting of female births so that parents can keep trying to conceive a boy, and the abuse of sonograms and the termination of pregnancies based on the sex of the fetus. Female infanticide, abandonment, or the neglect of baby girls that results in lower female survival rates are also factors. State-run media is paying increasing attention to unbalanced birth ratios, and the societal problems, such as trafficking in women, which they cause (see Section 6.f.). In the cities the traditional preference for sons is changing.

There reportedly have been instances in which pregnant prisoners in reeducation--through--labor camps were forced to submit to abortions (see Section 1.c.).

The Maternal and Child Health Care Law requires premarital and prenatal examinations to determine whether couples have acute infectious diseases or certain mental illnesses (not including mental retardation), or are at risk for passing on debilitating genetic diseases. The Ministry of Health implements the law, which mandates abortion or sterilization in some cases, based on medical advice. The law also provides for obtaining a second opinion and states that patients or their guardians must give written consent to such procedures (see Section 5). At least five provincial governments have implemented local regulations seeking to prevent persons with severe mental disabilities from having children. In August 1998 the Government issued an "explanation" to provincial governments clarifying that no sterilization of persons with genetic conditions could be performed without their signed consent.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution states that freedom of speech and of the press are fundamental rights to be enjoyed by all citizens; however, the Government restricts these rights in practice. The Government interprets the Communist Party's "leading role," as mandated in the preamble to the Constitution, as circumscribing these rights. The Government does not permit citizens to publish or broadcast criticisms of senior leaders or opinions that directly challenge Communist Party rule. The Party and Government continue to control many--and, on occasion, all--print and broadcast media tightly and use them to propagate the current ideological line. There are more than 10,000 openly distributed publications, including 2,500 newspapers. All media employees are under explicit, public orders to follow CCP directives, and "guide public opinion" as directed by political authorities. Both formal and informal guidelines continue to require journalists to avoid coverage of many politically sensitive topics. Journalists also must not divulge "state secrets" in accordance with the State Security Law. These public orders, guidelines, and statutes greatly restrict the freedom of broadcast journalists and newspapers to report the news and lead to a high degree of self-censorship. Overall, during the year press freedom deteriorated further. During the early part of the year, newspaper closures or suspensions increased; efforts by the authorities to block the reception of foreign news also increased during the year, particularly prior to sensitive anniversaries.

More than in recent years, the press was exploited by the Government as an effective propaganda tool to disseminate an official line. For example, in its press coverage of NATO's action against Serbia, NATO was depicted as bent on using the conflict in Kosovo as an excuse to expand its influence. Casualties caused by NATO attacks on Serb forces received prominent coverage, but there was almost no mention of the plight of ethnic Albanian Kosovars. The Government's manipulation of the press to mold public opinion had violent results when demonstrators targeted foreign diplomatic facilities in Beijing after NATO's mistaken bombing of the Chinese embassy in Belgrade.

Journalists were given explicit instructions during the year to minimize coverage of negative issues and emphasize positive achievement in preparation for the October 1 celebration of the 50th anniversary of the founding of the PRC. The general worsening of the political atmosphere greatly increased the tendency of journalists, writers, and publishers to censor themselves.

In July and August, the Government mobilized the official media in a nationwide crackdown against the Falun Gong spiritual movement. Some citizens commented privately that the unrelenting diatribe against Falun Gong was reminiscent of Cultural Revolution era propaganda campaigns. Falun Gong was banned on July 22. For weeks anti-Falun Gong propaganda dominated the

nightly news, which consisted almost solely of details of Falun Gong's alleged crimes and the effectiveness of the Government's campaign to crush the illegal group. Special programs were broadcast about Falun Gong's alleged "evil nature", including testimonials by people claiming to be former Falun Gong practitioners, who recounted how they had been duped by the "cult." At year's end, the campaign against the Falun Gong in the media continued, with articles appearing regularly in the media, though with far less frequency than at the campaign's height.

The Government strictly regulates the establishment and management of publications. As in previous years, the Government continued to close down publications and punish journalists for printing material deemed to be too sensitive. Newspaper editors may be suspended and sent to the Propaganda Bureau for "rectification", after which they can generally can return to work in the publishing industry. In the early part of the year, the Government began to tighten its control of the press. Liberal publications in particular were targeted. In January alone, the Guangzhou-Hong Kong Daily News reportedly was ordered by authorities to dismiss its management staff, after the newspaper challenged the official economic growth rate and mentioned the lack of accountability among the country's leaders; two Guangdong newspapers, the New Weekly and the Shenzhen Pictorial Journal, were suspended for mentioning the June 4, 1989 Tiananmen Square incident; and six Guangdong newspapers, including New Stage, Chic, and Street, were closed (at least one of these reportedly was closed for printing controversial articles). In March, the Government ordered the closure of a popular Beijing-based intellectual magazine, Fangfa, because it continued to publish articles calling for political reform. The Government stopped issuing permits for new magazines or newspapers in March, and in September ordered the closure or merger of many smaller periodicals, ostensibly in an effort to reduce the number of unprofitable publications, but also to exercise more effective control over the content of existing publications. Some publishers found ways to circumvent the restrictions and publish new newspapers or magazines, often as weekend or monthly supplements to already existing publications. In April, the Hong Kong-based newspaper Ming Pao reported that the Communist Party committee in southern Guangdong had banned all articles about the events of June 4, 1989 and the improper use of material from the Internet. In May the Government ordered the recall and destruction of thousands of copies of the journal "Beijing Literature" because it advocated democratic reform. In early June, the editorial pages of international newspapers were removed before delivery. In September an edition of Time magazine that commemorated the country's 50th anniversary was banned and pulled from the shelves; it contained articles by exiled dissidents Wei Jingsheng and Wang Dan. Editions of Asiaweek and Newsweek editions also were banned around that time. With the Government's consent and even open support, the press continued to publish stories related to official corruption, official misconduct and gross abuses, particularly by law enforcement officials, citizens' rights, and legal reform. In January the state-run media reported that the former chief and deputy of the Anticorruption Bureau of the Supreme People's Procuratorate had been dismissed for corruption. The press published numerous articles and interviews with senior officials, such as Supreme People's Court President Xiao Yang, calling for further reform and improvement of the judicial system and an end to corruption in the courts.

Hong Kong and foreign journalists were subjected to harassment and detention during the year. According to reports, Gao Shaokun, a policeman, was sentenced to 2 years in prison for telling the foreign press about a peasant protest in March. In April journalist Ma Xiaoming was arrested in Shaanxi province while trying to report on a tax protest by farmers. In mid-June, 10 Hong Kong journalists were detained in Beijing. They were covering the visit of three Federation of Students representatives to petition the Standing Committee of the People's National Congress regarding its interpretation of the Basic Law. The journalists' film and videotape reportedly were seized by the authorities, and they reportedly were required to write letters stating that they understood the rules for

reporting on the mainland, including a ban on reporting near Tiananmen Square, before their release.

A combination of government repression and rising nationalism created a tense political atmosphere that took its toll on the relatively open debate among intellectuals--often at public seminars and political salons-- that the government had tolerated for most of 1997 and 1998. CDU founder Peng Ming remained in a labor camp serving an 18-month sentence. The CDU's open discussion of economic, political, and social issues ended due to government pressure. In early March, a weekly book discussion group at a popular independently owned bookstore was terminated by the owners after they were told that they would need police permission to hold gatherings in the store in the future. On May 4, the authorities prevented 30 dissidents from holding a seminar to discuss the spirit of May 4 in Changchun. Intellectuals, along with others, were required to attend political study sessions that propagated the Government's views on the Falun Gong, NATO action in Kosovo, and the "Three Stresses" campaign, which emphasized loyalty to the CCP. The few intellectual groups that continued to meet kept a far lower profile than in the previous 2 years, when the Government tolerated a greater range of debate, or stuck to less controversial subjects for discussion. Many writers chose to defer publication of books on sensitive topics such as political reform, in the hope that the political climate would relax at some future date.

During the year, there was an increase in Government censorship of the publishing industry. The publishing industry consists of three kinds of book businesses: Roughly 500 government-sanctioned publishing houses, smaller independent publishers that cooperate with official publishing houses to put out more daring publications, and an underground press. The 500 government-approved publishing houses are the only organizations legally permitted to print books. The Government exerts control by issuing a limited number of publishing licenses, which are required for each edition of a book. A party member at each publishing house monitors the content of the house's publications, using the allocation of promotions, cars, travel and other perquisites to encourage editors to exercise "proper" judgement about publications. Overt intervention by the State Publications Administration and Party Propaganda Bureau is strictly post-publication. Independent publishers take advantage of a loophole in the law to sign contracts with government publishing houses to publish politically sensitive works. These works generally are not subjected to the same multilayered review process as official publications of the publishing houses. Underground printing houses, which are growing in number, publish the books that are the most popular among the public. These underground printing houses are the main target of a campaign initiated at the end of 1998 to stop all illegal publications (including pornography and pirated computer software and audiovisual products), which has restricted the availability of politically sensitive books. Many street vendors who sell sensitive works apparently have a tacit understanding with the authorities that they will look the other way when the vendors sell other illegal publications if the vendors stop selling politically sensitive books. However, in March the press reported that two street vendors were sentenced to 2 1/2 to 3 years in prison for selling illegal political publications. Many illegal works are printed by police or military-affiliated organizations, which often are not targeted for investigation. While governmental efforts have made it somewhat more difficult to find these books, they are still available. Pirated software, music compact discs, and VCD's are widely and openly available. On February 4 author Wang Lixiong was detained in Xinjiang while collecting information for a book on the region, and reportedly was released on March 1 without charge (see Section 1.d.). There were reports early in the year that several politically sensitive books were ordered off bookstore shelves, including "Political China," "Selected Writings on Liberation," and "Shouts." However, the enforcement of the order appeared to be uneven, as these books remained on bookstore shelves. On May 11, Liu Xianli reportedly was sentenced to a 4 year prison term for attempting to publish a work about well-known dissidents.

In December 1998, a new interpretation of the Publications Law by the Supreme People's Court took effect. The majority of provisions in the new regulations concern intellectual property rights violations and the publication of pornographic material. However, one provision specifically criminalizes under the State Security Law the "publication, distribution, or broadcast" of material containing content intended to "incite national division, damage national unity, incite subversion of national authority, or incite the overthrow of the socialist system."

In the first several months of the year, some dissidents remained active despite the Government's preoccupation with stability. In March Liaoning dissident Jiang Lijun organized a petition signed by 44 dissidents from three northeastern provinces calling on the National People's Congress (NPC) to abolish the system of reeducation-through-labor. In the same month, seven branches of the CDP in Guizhou province sent an open letter to the NPC calling on the parliamentary body to reassess the Tiananmen massacre. Ding Zilin led a group of 20 relatives of Tiananmen victims in writing open letters to the President and Premier demanding a full accounting of the Tiananmen tragedy. Also in March, Beijing CDP member Gao Hongming established a group to demand government compensation for Tiananmen victims and their families. In April 82 dissidents from 6 provinces signed a petition calling for the release of Xuzhou-based dissidents Wang Yingzheng and Guo Shaokun. Bao Tong, the most senior government official jailed after Tiananmen, sent a letter in March to government and party leaders calling for a reassessment of the 1989 events.

The Government's crackdown on dissent, particularly organized dissent, begun in 1998, continued. By the middle of the year a series of politically sensitive events and anniversaries--the May 8 embassy bombing in Belgrade, the June 4 10th anniversary of the Tiananmen massacre, and the July crackdown against Falun Gong--were the background to the Government's adoption of a policy of near-zero tolerance of dissent. As scores of activists around the country were arrested and leading dissidents sentenced to lengthy prison terms (see Sections 1.d. and 1.e.), almost all dissident activity effectively was halted. Open calls for government action became for the most part limited to relatives of imprisoned dissidents who called for their release. In July the sister of jailed activist An Jun wrote an open letter to U.N. Secretary General Kofi Annan seeking assistance in persuading the Government to free her brother. The wife of Wang Zechen wrote in June to President Jiang Zemin pleading for her husband's release.

The Government kept tight control over the foreign press during the year and continued efforts to prevent its "interference" in internal affairs. The authorities continued to jam Chinese- and Tibetan-language broadcasts of Voice of America and Radio Free Asia, particularly the latter, with varying degrees of success. In May an official circular ordered the dismantlement of all satellite receivers unless the Government granted specific permission; hotels, tourist sites, and compounds for foreigners were among those to be allowed to have receivers. In Fujian on May 6, hundreds of privately owned satellite dishes and decoder boxes were confiscated. In May the press reported that Shanghai authorities had issued a notice that restricted pager services and Internet access providers, among others, from transmitting "political information" or information that could harm social stability. Access of the foreign community to Cable News Network (CNN) was cut (except at diplomatic compounds) on June 1, and remained inaccessible until June 8. In October several foreign journalists were questioned by the authorities after attending a clandestine press conference given by members of Falun Gong; their press credentials and residence permits were confiscated temporarily (see Section 2.c.). Also in October, a Japanese journalist was expelled from the country; in November a German journalist was expelled, allegedly for possessing documents containing state secrets. In February dissident journalist Gao Yu was released on medical parole, after spending over 5 years in prison, reportedly on the condition that she not speak to foreign journalists.

Authorities have blocked at various times politically "sensitive" web sites, including those of dissident groups and some major foreign news organizations (see Section 1.f.).

Despite tighter government control of the press, information about the nation and the world continued to flow into the country at an increasing rate. Residents in Guangdong and other southern provinces have wide access to Hong Kong television programs and newspapers. Throughout the country, a lively tabloid sector is flourishing. Radio talk shows remain popular, and, while avoiding the most politically sensitive subjects, they provide opportunities for citizens to air grievances about public issues. Despite licensing requirements and other restrictions, a small but rapidly growing segment of the population has access to the Internet. Most of the population has the means to own and use short-wave radios, and the Government does not place restrictions on their use.

The Government continues to impose ideological controls on political discourse at colleges, universities, and research institutes. Scholars and researchers report varying degrees of control regarding the issues that they may examine and the conclusions that they may draw. Censorship of written material comes at the time of publication, or when intellectuals and scholars, anticipating that books or papers on political topics would be deemed too sensitive to be published, exercise self-censorship. In areas such as economic policy or legal reform, there was far greater official tolerance for comment and debate.

Visiting academic researcher and librarian Song Yongyi was detained on August 7 in Beijing. After months of detention and interrogation, he was charged on December 24 with "the purchase and illegal provision of intelligence to persons outside China." Song, an expert on the Cultural Revolution, traveled to the country to collect materials such as newspaper articles, books, and other publicly available information on that period, as he had on several previous occasions (see Section 2.a.). This detention raised concerns about a possible chilling effect on other Chinese researchers, whether resident in the country or abroad. There also was concern that collaborative research with foreigners may become more difficult.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly; however, the Government severely restricts this right in practice. The Constitution stipulates that such activities may not challenge "party leadership" or infringe upon the "interests of the State." Protests against the political system or national leaders are prohibited. Authorities deny permits and quickly move to suppress demonstrations involving expression of dissenting political views.

At times police used force against demonstrators. In January the Western press reported that one protester was killed and more than 100 others injured when police dispersed some 3,000 villagers in Hunan province protesting corrupt government and high taxes. In March police in Suining, Sichuan province reportedly beat demonstrators to disperse a 3-day protest by machinery factory workers over unpaid benefits. In April two groups of CDP members in Hangzhou attempted to lay wreaths for victims of the Tiananmen massacre in two different parks. Police reportedly dispersed one group, and arrested three participants. The other group was able to hold its vigil. In October a violent protest reportedly broke out in Panzhuhua in Sichuan province after police refused to help a robbery victim who subsequently was knifed by his attackers. Many of those protesting were injured in clashes with the police; 10 persons reportedly were arrested. In late October, police in Ganzi township, Ganzi Tibetan Autonomous Region, western Sichuan reportedly clashed with up to 3,000 ethnic Tibetans protesting the detention of 3 monks, including the respected Buddhist teacher Sonam

Phuntsok, from nearby Dargye monastery a few days before (see Section 2.c.). The police reportedly fired upon the crowd, injuring some protestors. It is unknown whether any persons were killed. Up to 80 ethnic Tibetans reportedly were detained in connection with the incident.

Despite restrictions in Beijing and elsewhere, the number of demonstrations nationwide continued to grow, especially those related to economic grievances and official corruption. Demonstrations related to family planning continued. Many protests were handled with restraint by the authorities. In March the victim of an alleged fraudulent housing project staged a lone protest in front of the National People's Congress, which was meeting at the time. Police reportedly removed her from the front of the parliament building and told her to hand in her petition to the complaints section of the NPC. Also in March some 400 laid-off workers in Xian reportedly staged a daylong demonstration, until a provincial vice governor arrived at the scene to hear their concerns and convince them to disperse peacefully. On April 25, a demonstration by some 10,000 Falun Gong members in front of the Government's leadership compound in Beijing caught authorities by surprise; it continued for more than 12 hours before the protestors were convinced to disperse. In July the Government banned the Falun Gong movement; however, many of its members continued to hold or attempt to hold peaceful demonstrations. Authorities stated that some 35,000 confrontations between police and Falun Gong practitioners took place between July 22 and October 30; (the Government later clarified this with the statement that the figure represented the total number of confrontations that police had had with adherents of Falun Gong, pointing out that many persons had multiple encounters with police). Many practitioners were detained while attempting to protest; police reportedly used force in some cases (see Section 2.c.). In June one human rights group reported that about 150 peasants gathered in front of the Fuzhou municipal government office to protest corruption, blocking traffic in the process. Some 50 police reportedly took the demonstrators to the complaints bureau of the provincial government, where officials held talks with them. The demonstrators dispersed peacefully that afternoon.

The Constitution provides for freedom of association; however, the Government restricts this right in practice. Communist Party policy and government regulations require that all professional, social, and economic organizations officially register with, and be approved by, the Government. Ostensibly aimed at restricting secret societies and criminal gangs, these regulations also prevent the formation of truly autonomous political, human rights, religious, labor, and youth organizations that directly challenge government authority. According to Human Rights Watch, in November An Jun, an attorney who formed an organization called "Corruption Watch" to expose local corruption, was put on trial. No verdict had been announced by year's end. An had attempted to register the organization legally with the Ministry of Civil Affairs, but it was banned.

There are no laws or regulations that specifically govern the formation of political parties. The government moved decisively, using detentions and prison terms, to eliminate the China Democracy Party, which activists around the country had tried since 1998 to organize into the country's first opposition political party (see Sections 1.e. and 3).

In 1998 there were 1,500 national-level, quasi-nongovernmental organizations, and 200,000 social organizations and 700,000 nonprofit organizations registered with the Ministry of Civil Affairs. Although these organizations all came under some degree of government control, they were able to develop their own agendas. Many had support from foreign secular and religious NGO's. Some sought advocacy roles in less controversial public interest areas such as women's issues, the environment, and consumer rights. In October 1998 the Government promulgated a revised and more complete set of regulations on the registration of NGO's.

The new rules require that all NGO's must reregister under the revised regulations, a process that may be used to further restrict the numbers and types of NGO's. To register, local-level groups must have an official office and at least \$3,600 (30,000 rmb) in funds. National-level groups must have at least \$12,000 (100,000 rmb). Applications must be vetted by the Government, which has 2 months in which to grant approval. Once established, groups are required to submit to regular oversight and "obey the constitution, laws, and national policies;" they must not "violate the four cardinal principles, damage national unity, or upset ethnic harmony." Violators (groups that disobey guidelines or unregistered groups that continue to operate) may face administrative punishment or criminal charges. It is difficult to estimate how many groups may have been discouraged from organizing NGO's due to the new regulations. However, preexisting groups report little or no additional interference by the Government since the new regulations came into effect.

c. Freedom of Religion

The Constitution provides for freedom of religious belief; however, the Government seeks to restrict religious practice to government-sanctioned organizations and registered places of worship and to control the growth and scope of the activity of religious groups. During the year, some unregistered religious groups were subjected to increased restrictions--and, in some cases, intimidation, harassment, and detention--although the degree of restrictions varied significantly from region to region, and the number of religious adherents, in both registered and unregistered churches, continued to grow rapidly. Over the past 20 years, there has been a loosening of government controls and a resurgence of religious activity. According to an official government white paper there are over 200 million religious adherents with a great variety of beliefs and practices. Most profess eastern faiths but millions adhere to Christianity. The Criminal Law states that government officials who deprive citizens of religious freedom may be sentenced to up to 2 years in prison in serious cases. However, there are no known cases of persons being punished under this statute.

The State Council's Religious Affairs Bureau (RAB) is responsible for monitoring and judging the legitimacy of religious activity. The RAB and the Communist Party United Front Work Department (UFWD), both of which are staffed by officials who are rarely religious adherents, provide policy "guidance and supervision" over implementation of government regulations on religious activity, as well as the role of foreigners in religious activity.

The Government continued, and, in some areas, intensified a national campaign to enforce 1994 State Council regulations and subsequent provincial regulations that require all places of worship to register with government religious affairs bureaus and to come under the supervision of official "patriotic" religious organizations. The Government officially permits only those Christian churches affiliated with either the Catholic Patriotic Association/Catholic Bishops Conference or the (Protestant) Three-Self Patriotic Movement/Chinese Christian Council to operate openly. There are six requirements for the registration and establishment of venues for religious activity: Possession of a meeting place; citizens who are religious believers and who regularly take part in religious activity; qualified leaders and an organized governing board; a minimum number of followers; a set of operating rules; and a legal source of income. There are five officially recognized religions--Catholicism, Protestantism, Buddhism, Islam, and Taoism.

At the end of 1997, the Government reported that there were more than 85,000 approved venues for religious activities. Some groups registered voluntarily, some registered under pressure, while authorities refused to register others. Unofficial groups claimed that authorities often refuse them registration without explanation. The Government contends that these refusals were mainly the

result of inadequate facilities and meeting spaces. Many religious groups have been reluctant to comply with the regulations out of principled opposition to state control of religion or due to fear of adverse consequences if they reveal, as required, the names and addresses of church leaders and members. In some areas, efforts to register unauthorized groups are carried out by religious leaders and civil affairs officials. In other regions, registration is performed by police and RAB officials, concurrently with other law enforcement actions. Police closed many "underground" mosques, temples, seminaries, Catholic churches and Protestant "house churches," many with significant memberships, properties, financial resources, and networks. Some were destroyed. Leaders of unauthorized groups are often the targets of harassment, interrogations, detention, and physical abuse.

In certain regions, government supervision of religious activity is minimal, although local implementing regulations in other places, such as Zhejiang, Guangxi, Shanghai, and Chongqing call for strict government oversight. In some parts of the country, registered and unregistered churches are treated similarly by authorities, existing openly side by side, and many congregants worship in both types of churches. In other areas, particularly where considerable unofficial and unregistered religious activity takes place, local regulations call for strict government oversight of religion and authorities have cracked down on unregistered churches and their members. The relationship between unregistered and registered churches can be tense. Some house church members maintained that authorities had continued efforts during the year to register house churches and to harass those who resist, especially in Henan and Shandong provinces. Throughout the year, the Government moved swiftly against houses of worship outside its control that grew too large or espoused beliefs that it considers threatening to "state security."

The law does not prohibit religious believers from holding public office; however, most influential positions in government are reserved for party members, and Communist Party officials state that party membership and religious belief are incompatible. Party membership also is required for almost all high level positions in government and in state-owned businesses and organizations. The Communist Party reportedly issued a circular in 1997 ordering party members not to adhere to religious beliefs. This followed a 1995 document circulated to party organizations at the provincial level ordering the expulsion of party members who belong to religious organizations, whether open or clandestine. There were reports that the Government issued a circular early in the year to remind Party cadres that religion was incompatible with Party membership, a theme reflected in authoritative media during the summer. Muslims allegedly have been fired from government posts for praying during working hours. The "Routine Service Regulations" of the People's Liberation Army (PLA) state explicitly that servicemen "may not take part in religious or superstitious activities." There is no available evidence indicating whether party or PLA military personnel were expelled under such regulations. According to government officials, 20 to 25 percent of Communist Party officials engage in some kind of religious activity in certain localities. Most officials who practice a religion are Buddhist or practice a folk religion. Religious figures, who are not members of the CCP, are included in national and local government organizations, usually to represent their constituency on cultural and educational matters. The National People's Congress (NPC) includes several religious leaders, including Pagbalha Geleg Namgyai, a Tibetan "living Buddha," who is a vice chairman of the Standing Committee of the NPC. Religious groups also are represented in the Chinese People's Political Consultative Conference, a forum for "multiparty" cooperation and consultation led by the Chinese Communist Party, which advises the Government on policy.

The authorities permit officially sanctioned religious organizations to maintain international contacts that do not entail "foreign control." What constitutes "control" is not defined. Regulations enacted in 1994 codified many existing rules involving foreigners,

including a ban on proselytizing by foreigners, but for the most part allow foreign nationals to preach to foreigners, bring in religious materials for their own use, and preach to citizens at churches, mosques, and temples at the invitation of registered religious organizations. Foreigners are not permitted to conduct missionary activities, but foreign Christians currently are teaching English and other languages on college campuses with minimum interference from authorities as long as their proselytizing is low key. There were reports that early in the year the Government issued a circular to tighten control over foreign missionary activity in the country, and that foreign missionaries were detained in Fujian province in March for engaging in missionary activities with an unregistered church.

According to an official government white paper, there are over 200 million religious adherents, 3,000 religious organizations, 300,000 clergy, and 74 religious colleges. Official religious organizations administer local Bible schools, 54 Catholic and Protestant seminaries, 9 institutes to train imams and Islamic scholars, and institutes to train Buddhist monks. Students who attend these institutes must demonstrate "political reliability" and all graduates must pass an examination on their theological and political knowledge to qualify for the clergy. In May the Nanjing Union Theological seminary reportedly ordered three students to leave the seminary "voluntarily" because they opposed curriculum changes. The three students, who were nearing graduation, initially refused to accept this expulsion, but later left voluntarily in protest. The Government permitted some Catholic and Protestant seminarians, Muslim clerics, and Buddhist clergy to go abroad for additional religious studies. In most cases, funding for these training programs is provided by foreign organizations. Both official and unofficial Christian churches have problems training adequate numbers of clergy to meet the needs of their growing congregations. However, due to government prohibitions, unofficial churches have particularly significant problems training clergy or sending students to study overseas, and many clergy receive only limited and inadequate preparation.

Approximately 8 percent of the population are Buddhist, approximately 1.4 percent are Muslim, an estimated 0.4 percent belong to the official patriotic Catholic Church, an estimated 0.4 to 0.8 percent belong to the unofficial Vatican-affiliated Catholic Church, an estimated 0.08 percent to 1.2 percent are registered Protestants, and perhaps 2.4 to 6.5 percent worship in house churches that are independent of government control. There are no available estimates of the number of Taoists. However, according to a 1997 government publication, there are over 10,000 Taoist monks and nuns and over 1,000 Taoist temples.

The traditional folk religion (worship of local gods, heroes, and ancestors) of 75 percent of the population has revived in recent years and is tolerated to varying degrees as a loose affiliate of Taoism, or as an ethnic minority cultural practice; however, folk religion has been labeled as "feudal superstition" and local authorities have destroyed thousands of local shrines.

Buddhists make up the largest body of organized religious believers. The Government estimates that there are more than 100 million Buddhists, most of whom are from the dominant Han ethnic group. However, it is difficult to estimate accurately the number of Buddhists because they do not have congregational memberships and often do not participate in public ceremonies. The Government reports that there are 13,000 Buddhist temples and monasteries and more than 200,000 nuns and monks. In some areas, local governments enforced strictly regulations on places of worship, particularly on illegally constructed Buddhist temples and shrines. During a May 1998 conference in Hunan on provincial religious work, a senior provincial party official said that goals for the coming year were to "Tighten management of places of religious activities, properly handle issues concerning the indiscriminate establishment of temples and the setting up of outdoor Buddha statues, and crack down on heretical religious organizations and

illegal religious activities."

Tibetan Buddhists outside of the Tibet Autonomous Region (TAR) seem to have fewer restrictions than those in the TAR, but they still face significant restrictions and are subject to patriotic education campaigns. In June two Tibetan Buddhist monks reportedly were arrested at Ganzi monastery, Ganzi Tibetan Autonomous Region in western Sichuan (Tibetan Kham); they were charged with handing out leaflets supporting Tibetan independence. On October 24, three Tibetan Buddhist monks, Sonam Phuntsok, Agya Tsering, and Sonam, were arrested at Dargye monastery in western Sichuan province. The three reportedly were suspected of being in contact with exile groups, and of supporting the Dalai Lama. These arrests reportedly were linked to the bombing of a medical clinic on October 7. Their detention sparked a large local protest later in the month, during which police reportedly fired into the crowd and injured demonstrators (see Section 2.b.). (A discussion of government restrictions on Tibetan Buddhism in the TAR can be found in the Tibet addendum to this report.)

In the past, official tolerance for religions considered to be traditionally Chinese, such as Buddhism and Taoism, has been greater than that for Christianity. As these non-Western faiths have grown rapidly in recent years, there are signs of greater Government concern and new restrictions, especially on syncretic sects.

According to government figures, there are 20 million Muslims, 35,000 Islamic places of worship, and more than 45,000 imams. In some areas where ethnic unrest has occurred, particularly among Central Asian Muslims (and especially the Uighurs) in Xinjiang, officials continue to restrict the building of mosques and the religious education of youths under the age of 18. After a series of violent incidents in Xinjiang in 1997, police cracked down on Muslim religious activity and places of worship, and local authorities issued regulations further restricting religious activities and teaching. During the year, several Islamic fundamentalists from other countries were expelled for proselytizing.

Restrictions on religious practices in Xinjiang were tight, and the Government dealt harshly with religious adherents accused of separatist activities. Some young Uighur Muslims are being trained outside of the country in Muslim religious schools. Amnesty International reported that a group of four men and four children, all of whom were Muslim Uighurs from Xinjiang, were returned forcibly to China from Kazakhstan in late 1998. Two of the men, Yasim Karim and Abla Karim, are mullahs. Both men reportedly refused to acknowledge publicly the merits of government policies in their mosques. The children allegedly were released after 18 days, but the four men were believed to remain in detention in Kashgar as of January. Amnesty International reported in January that Ibrahim Ismael was executed in Ili prefecture, Xinjiang. Ismael was a religious scholar known for holding private religious classes for Muslim youth in his home in Memyuzi village, near Gulja, Ili prefecture, Xinjiang. He had been arrested in 1997. Officials stated that he had joined a reactionary organization in 1991, participated in illegal religious activities, helped to organize protests in 1995 and 1997, and helped to organize an attack in 1997 in which five persons died (see Section 5). Three Uighur men from Xinjiang were repatriated forcibly to China on February 11, after having been detained since they were apprehended crossing the border into Kazakhstan in August 1998. The three, Hemit Memet, Kasim Mahpir, and Ilyas Zordun, fled Xinjiang after wanted posters went up listing them as separatists. In July a court in Nonshishi reportedly sentenced 18 men to prison terms ranging from 10 to 15 years for, among other things, allegedly destroying the Party's religious policy. In April 1998, the Urumqi Evening news reported that 56 mosques in Egarqi had been searched by police. In May 1998, a report on Xinjiang People's Radio quoted a senior provincial official

accusing separatists of having "carried out subversion and sabotage in the region in the name of religious activities." The official said that the Government must "resolutely oppose illegal religious activities" and that religious practice must "uphold the dignity of laws, the interest of the people, the unification of the motherland, and the unity of the nationalities. Any violation will not be tolerated by the people's democratic dictatorship."

The Government permits, and in some cases subsidizes, Muslim citizens who make the hajj (pilgrimage) to Mecca. According to government statistics, more than 45,000 Muslims have made the pilgrimage in recent years--5,000 in 1998. However, government sensitivity to concerns of the Muslim community is limited. In 1998 a Qing dynasty mosque, which was the center of Muslim life in Chengdu, was destroyed in the city's Muslim quarter to make way for a boulevard near an expanded city square, despite strong opposition from the city's Muslim population. The construction of a new mosque over a complex of retail establishments further offended the community. At year's end, no construction upon the site of the Qing dynasty mosque had yet occurred; the imam, or leader, of the mosque that was demolished was ordered to leave Chengdu and has been forbidden to engage in religious work. The new officially sanctioned mosque over the retail complex has been attended only lightly since its opening.

The unofficial, Vatican-affiliated Catholic Church claims a membership far larger than the 5 million persons registered with the official Catholic Church. Precise figures are difficult to determine, but Vatican officials have estimated that there are as many as 10 million adherents. According to official figures, the government-approved Catholic Church has 69 bishops, 5,000 clergy and about 5,000 churches and meeting houses. There are 60,000 baptisms each year. The Government so far has refused to establish diplomatic relations with the Holy See, and there is no Vatican representative in the country. Some bishops in the official Catholic Church are not recognized by Rome, although many have been recognized unofficially. The Government's refusal to allow the official Catholic church to recognize the authority of the Papacy in matters of faith and morals has led many Catholics to refuse to join the official Catholic church on the grounds that this refusal denies one of the fundamental tenets of their faith.

The Government maintains that there are between 10 and 15 million registered Protestants, 18,000 clergy, over 12,000 churches, and some 25,000 meeting places. According to foreign experts, perhaps 30 million persons worship in house churches that are independent of government control, although estimates by some house church groups range as high as 80 million.

The growth of unofficial churches has caused concern among many government and Communist Party officials who perceive unregulated religious gatherings as a potential challenge to their authority, a threat to public order, and an alternative to Socialist thought. Authorities in some areas continued a concerted effort to crack down on the activities of unapproved Catholic and Protestant churches. In some areas, security authorities used threats, demolition of unregistered property, extortion of "fines," interrogation, detention (sometimes prolonged), and at times beatings and torture to harass Christian religious figures and followers. There also was a report in the Western press that authorities refused without explanation to issue a birth certificate for a child whose parents are active in the house church movement; without a birth certificate, a child cannot be registered, attend school or, later, work. Implementing regulations, provincial work reports, and other government and party documents continued to exhort officials to enforce vigorously government policy regarding unregistered churches. In March 1998, the Guangzhou Municipal People's Congress passed highly restrictive religious regulations. Zhejiang province also promulgated new religious affairs regulations that stipulated that "illegal" property and income would be confiscated from those who: "1) Preside over or organize religious activities at places other than those for religious activities or at places not approved by a religious affairs department; 2) do missionary work outside the

premises of a place of religious activity; and 3) sponsor religious training activities without obtaining the approval of a religious affairs department at or above the county level." Regulations in Guangxi, Shanghai, and Chongqing also call for strict government oversight. In particular, authorities targeted unofficial religious groups in Beijing and the provinces of Henan and Shandong, where there are rapidly growing numbers of unregistered Protestants, and in Hebei, a center of unregistered Catholics. However, during the year there were reports that small family churches, generally made up of family members and friends, which conduct activities similar to those of home Bible study groups, may be tolerated by the authorities as long as they remain small and unobtrusive. Family churches reportedly encounter difficulties when their memberships become too large, when they arrange for the use of facilities for the specific purpose of conducting religious activities, or when they forge links with other unregistered groups.

There were many religious detainees and prisoners. In some cases, public security officials have used prison or reform-through-education sentences to enforce regulations. Prominent Protestant house church leader Xu Yongze continues to serve a 3-year reform-through-labor sentence in Pingyuan prison in Henan for allegedly disturbing public order. The Government's 1997 White Paper on Religious Freedom stated that Xu had violated the law by promoting a cult, preaching that the Apocalypse was near, and asking worshipers to wail in public spaces for several consecutive days. Group members deny these charges. Xu's colleagues Qin Baocai and Mu Sheng continue to serve reeducation-through-labor sentences. In September 1998 a group of leaders from house church networks met in Henan and issued a public communique calling on the Government to enter into a dialog with unofficial Protestant churches, to release all religious prisoners, and to redefine what constitutes a "cult." Another communique set forth a common theological creed and a joint position on relations with the Government.

In Hebei, where perhaps half of the country's Catholics reside, friction between unofficial Catholics and local authorities continued. Hebei authorities have been known to force many underground priests and believers to make a choice of either joining the "patriotic" church or facing punishment such as fines, job loss, periodic detentions, and, in some cases, having their children barred from school. The whereabouts of Roman Catholic Bishop Su Zhimin, whose followers reported that he was arrested in 1997, remained unclear. Underground Catholic sources in Hebei claimed that he still was under detention, while the Government denied having taken "any coercive measures" against him. Reliable sources reported that Bishop An Shuxin, Bishop Zhang Weizhu, Father Cui Xing, and Father Wang Qunjun remained under detention in Hebei. In January Father Hu Duo reportedly was detained in Hebei; and according to a Human Rights Watch report, authorities that month also reportedly detained, beat, and fined an unknown number of underground Catholics in Baoding, Hebei. In May Auxiliary Bishop Yan Weiping was found dead in Beijing, shortly after being released from detention. The circumstances surrounding his death are unclear. On August 24, 40 house church members reportedly were arrested in Fengcheng, Henan. Among those detained in Henan in August was David Zhang (Rongliang) of the Fengcheng church group; he and other house church leaders detained in August were sentenced to 1 to 3 years in a reeducation-through-labor camp. Underground Catholic Bishop Joseph Fan Zhongliang of Shanghai remained under surveillance and often had his movements restricted.

In May 500 Christians reportedly occupied Xian's largest church to prevent its demolition after the local Three-Self Patriotic Movement authorities allegedly sold the church to a local property developer (although those authorities had used the proceeds to purchase a new, larger church in a distant suburb). The Hong Kong press reported that the Guangdong provincial government had issued a circular ordering authorities to increase the monitoring of Christian and Muslim activities. In April Public Security personnel

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reportedly raided a house church service in Henan and detained 25 worshippers. There were reports that as many as 48 Christians, including Catholics and Protestants, were arrested in Henan in January. On August 18, eight house church leaders--Zhao Dexin, Yang Xian, Miao Hailin, Chen Zide, Li Wen, Han Shaorong, and two others--reportedly were arrested in Henan. On the same day in October, police disrupted services at two of Guangzhou's most prominent house churches--those of pastors Samuel Lamb and Li Dexian. Li and his wife, along with an Australian missionary, were detained for several hours, and Li stated that his church was ransacked by the police. Li also has been detained on other occasions and reports that in some instances he was beaten. Bibles also were confiscated from his congregation and members of the congregation reportedly were threatened. Roman Catholic Bishop Zeng Jingmu, released from a labor camp in 1998, reportedly remains under house arrest.

In some regions, coexistence and cooperation between official and unofficial churches, both Catholic and Protestant, is close enough to blur the line between the two. However, in some areas relations between the two churches remain hostile. In September police, allegedly at the instigation of the local official Catholic church in Wenzhou, instructed 12 underground Catholic church leaders--including Bishop Lin Xili, Chen Nailiang, and Wang Zhongfa--to go to a hotel, where they were pressured to join the official Catholic church. There also are reports of divisions within both the official Protestant church and the house church movement over issues of doctrine; in both the official and unofficial Protestant churches, there are groups with conservative views and groups with more unorthodox views. In some areas there are reports of harassment of churches by local RAB officials which is attributed, at least in part, to financial issues. For example, since regulations require local authorities to provide land to church groups, some local officials may refuse to do so by denying registration, thus avoiding the requirement to provide land. However, official churches also may face harassment if local authorities wish to acquire the land on which a church is located. In addition to refusing to register churches, there also are reports that RAB officials have requested "donations" from churches in their jurisdictions as a means of raising extra revenue.

The increase in the number of Christians has resulted in a corresponding increase in the demand for Bibles. During the year the Government approved the printing of more than 3 million Bibles, and there currently are more than 22 million Bibles in print. One printing company that is a joint venture with an overseas Christian organization printed over 2.3 million Bibles during the year, including Bibles in Braille and minority dialects, such as Korean, Jingbo, Lisu, Lahu, Niao, and Yao. Although Bibles can be purchased at some bookstores, they are not readily available and cannot be ordered directly from publishing houses by individuals. However, they are available for purchase at most officially recognized churches, and many house church members buy their Bibles from churches without incident. Nonetheless, some underground Christians hesitate to buy Bibles at official churches because such transactions sometimes involve receipts that identify the purchaser. Foreign experts confirm reports of chronic shortages of Bibles, mostly due to logistical problems in disseminating Bibles to rural areas. However, they note that the situation has improved in recent years due to improved distribution channels, including to house churches. Customs officials continue to monitor for the "smuggling" of Bibles and other religious materials into the country. There have been credible reports that the authorities sometimes confiscate Bibles in raids on house churches, such as during an April raid on a house church in Henan province.

Weekly services of the foreign Jewish community in Beijing have continued uninterrupted since 1995 and High Holy Day observances have been allowed for more than 15 years. During the fall of 1998, the foreign Jewish community in Shanghai began holding services in a local hotel. Members experienced initial difficulty in establishing worship services due to the fact that Judaism is

not one of the five officially recognized religions, and meetings were suspended temporarily. However, the group since has reestablished its meetings at the hotel, with the approval of the local religious affairs bureau. In September, with the support of local authorities, the Shanghai Jewish community was allowed to hold a service in an historic Shanghai synagogue, which has been restored as a museum, for the first time since 1949. Local authorities indicated that the community could use the synagogue in the future for special occasions on a case-by-case basis.

Religious groups that preach beliefs outside the bounds of officially approved doctrine--such as the imminent coming of the Apocalypse--often are singled out for particularly severe harassment. Police continued their efforts to close down an underground evangelical group called the "Shouters," an offshoot of a pre-1949 indigenous Protestant group, which the authorities deem to be an antigovernment, counterrevolutionary "cult." Since the early 1980's, the authorities repeatedly have detained, fined, or imprisoned its members. During the year the authorities also initiated a general crackdown on groups considered to be "cults." The press reported that on April 21, police and members of the Public Security Bureau in Chengkuo county, Chongqing detained 71 members of Men Tu Hui (Disciples Sect); the authorities declared the group to be illegal and accused it of carrying out various reckless and criminal activities in recent years, including using heresy to spread rumors and stirring up quarrels and trouble among the masses. In May Hunan authorities initiated a crackdown against the "heretical cult" organization "God's Religion." In September 31 members of the "cold water religion" reportedly were arrested by authorities in Lianping county, Guangdong; 3 of the group's churches reportedly were destroyed. Liu Jiaguo, the leader of the Supreme Deity sect, was executed in October after being convicted of raping 11 women and defrauding cult members. The crackdown intensified later in the year, with press reports stating that restrictions would be tightened on several "cults" and various Christian groups. Many groups, especially those in house churches, reportedly are viewed by officials as "cults." Some observers have attributed the unorthodox beliefs of some of these groups to undertrained clergy. According to reports, the crackdown on the Falun Gong led to a tightening of controls on all non-officially sanctioned beliefs; some groups have been labeled as "cults."

Falun Gong (or Wheel of the Law, also known as Falun Dafa) blends aspects of Taoism, Buddhism, and the meditation techniques of Qigong (a traditional martial art) with the teachings of Li Hongzhi, who left the country in 1998. The Government estimates that there may be as many as 2.1 million adherents of Falun Gong; Falun Gong followers estimate that there are over 100 million adherents. Some experts estimate that the true number of Falun Gong adherents lies in the tens of millions. Falun Gong does not consider itself a religion and has no clergy or formal places of worship.

On April 25, more than 10,000 adherents of Falun Gong gathered in front of the Zhongnanhai leadership compound, where most of the country's top officials live and work, to protest the detention of some Falun Gong practitioners and to seek government acknowledgment of the legitimacy of their practice. The sudden appearance of such a large crowd of organized demonstrators caught the Government by surprise; however, it allowed the peaceful protest to continue for more than 12 hours and publicly stated that the organization was not illegal. Following the April demonstration, the Government decided that Falun Gong was a threat to stability. In June despite a government warning against disturbing social stability or holding large gatherings, Falun Gong practitioners continued to hold demonstrations in cities throughout the country. On July 22 the Government officially declared Falun Gong illegal and began a nationwide crackdown against the movement. Around the country, tens of thousands of practitioners were rounded up and detained for several days, often in open stadiums with poor, overcrowded conditions with inadequate food, water,

and sanitary facilities. Practitioners who refused to renounce their beliefs were expelled from their schools or fired from their jobs. Some of those detained were government officials and Communist Party members. Some high-ranking practitioners were forced to disavow their ties to Falun Gong on national television. There also were reports that the Public Security Bureau forbade the renting of apartments to members of the Falun Gong, and that local government leaders and heads of institutions in the northeast were summoned to Beijing or fired if too many persons under their jurisdictions participated in Falun Gong demonstrations.

In addition to detaining Falun Gong practitioners, in July the Government also launched a massive propaganda campaign against the group and its leader (see section 2.a.).

As part of its crackdown on Falun Gong, the Government seized and destroyed Falun Gong literature, including over 1 million books, in well publicized sweeps of homes and bookstores. A Falun Gong website designed and operated by computer engineer Zhang Haitao of Jilin province was shut down by the Government on July 24 (see Section 1.f.); Zhang himself reportedly was arrested on July 29. Police in Dandong city, Liaoning province reported that they had arrested six workers and a factory boss for printing outlawed Falun Gong material. On October 28, several Falun Gong practitioners held a clandestine press conference for foreign reporters in which they described an increase in harassment and in physical abuse by the police. Many of the practitioners involved later reportedly were arrested; the authorities questioned some of the foreign journalists who attended the press conference and temporarily confiscated their press credentials and residence permits.

In spite of the harshness of the crackdown, Falun Gong demonstrations continued around the country throughout the summer and into the fall. Authorities responded quickly by breaking up demonstrations--at times forcibly--and detaining demonstrators. In September, the state-run press reported a raid on a gathering of 19 Falun Gong followers during which 5 were arrested formally. In mid-September, one NGO reported that at least 300 Falun Gong adherents were arrested in 9 cities over the course of 1 week. In late October, the pace of protests and detentions picked up as Falun Gong practitioners from around the country converged on Beijing and began a series of peaceful, low-key demonstrations in Tiananmen Square to protest a new anti-cult law being considered by the Standing Committee of the National People's Congress. Most of the protests were small and short-lived, as the police, who roamed the square in increased numbers, questioned persons and quickly arrested anyone who admitted to being or appeared to be a practitioner. On some days, scores of practitioners were arrested as they entered the square in small groups to protest. During the last week of October, a Communist Party official told the foreign press that 3,000 persons from other parts of the country were detained in police sweeps of Beijing for non-residents. On November 16, during a visit to Beijing by U.N. Secretary General Kofi Annan, more than a dozen Falun Gong practitioners who unfurled a Falun Gong banner were detained forcibly in Tiananmen Square. On November 30, Vice Premier Li Lanqing reportedly stated in a speech to Communist Party members that over 35,000 detentions of Falun Gong practitioners were made by the authorities between July 22 and October 30 (the Government later clarified Li's remarks by stating that this figure represented the total number of confrontations that police had with adherents of Falun Gong, pointing out that many persons had multiple encounters with police.)

Authorities also detained foreign practitioners. For example, on November 24, four foreign practitioners of Falun Gong were detained along with other practitioners in Guangzhou. The foreigners were released a few days later and expelled from the country; the Chinese citizens arrested with them remained in custody. On December 15, three Chinese nationals with foreign residency were detained in Shenzhen for visiting other Falun Gong practitioners; they were sentenced to 15 days of administrative detention.

There were credible reports of beatings and deaths of practitioners in detention who refused to recant their beliefs; according to Amnesty International, some adherents also were tortured by electric shocks and by having their hands and feet shackled and linked with crossed steel chains (see Sections 1.a and 1.c.). In October a Falun Gong website reported that a Falun Gong practitioner from Shandong province, Zhao Jinhua, died as a result of beatings received while in police custody. The official media reported that Zhao died of a heart attack while in custody. On October 27, police in Heilongjiang province stated that Chen Ying, an 18-year old practitioner of Falun Gong who died while in police custody in August, had jumped to her death from a moving train. Zhao Dong also allegedly jumped from a train while in police custody; he reportedly died in late September.

Although the vast majority of ordinary Falun Gong practitioners who were detained later were released, authorities acted more forcefully against practitioners it identified as leaders. On October 25, the official media reported that at least 13 Falun Gong leaders had been charged with stealing and leaking state secrets. On October 31, a new anti-cult law was passed, which specifies prison terms of 3 to 7 years for cult members who "disrupt public order" or distribute publications. Under the new law, cult leaders and recruiters can be sentenced to 7 years or more in prison. On November 3, the authorities used the new law to charge six Falun Gong leaders, some of whom, it is believed, were arrested in July. Also, on November 8, the Government confirmed that 111 Falun Gong practitioners had been charged with serious crimes including, among others, disturbing social order and stealing state secrets. The Government issued a warrant for the arrest of Falun Gong leader Li Hongzhi, and requested Interpol's assistance in apprehending him. Interpol declined to do so, on the ground that the request was political in nature.

Many others not formally arrested reportedly were sentenced administratively, without trial, to up to 3 years in reeducation-through-labor camps. For example, on October 12, authorities reportedly sentenced 5 Falun Gong practitioners to a 1-year sentence in a reeducation-through-labor camp for "disturbing the social order." The exact number of persons sentenced in this manner is unknown, although the Hong Kong-based Information Center of Human Rights and Democratic Movement in China reported that at least 500 persons were sentenced to terms of reeducation-through-labor. Late in the year, according to some reports, the Government started confining some Falun Gong adherents to psychiatric hospitals.

Some of the leaders of Falun Gong were brought to trial by year's end. On December 26, four practitioners of Falun Gong were sentenced by a Beijing court for using a cult "to obstruct justice, causing human deaths in the process of organizing a cult, and illegally obtaining state secrets." Li Chang, a former official at the Public Security Ministry, was sentenced to 18 years in prison; former Railways Ministry official Wang Zhiwen was sentenced to 16 years in prison. Two other high-ranking Falun Gong members, Ji Liewu and Yao Jie, were sentenced to 12 years and 7 years in prison. According to one international human rights organization, the Ministry of Justice required attorneys who wished to represent Falun Gong practitioners to obtain government permission.

There were reports that Qigong groups not associated with the Falun Gong have experienced an increase in harassment, as well, particularly since the ban on Falun Gong was announced in July. Two leaders of such groups reportedly were arrested, and the Government banned the practice of Qigong exercises on public or government property. This has created an atmosphere of uncertainty for many, if not most, qigong practitioners.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The effectiveness of the Government's national household registration/identification card system, used to control and restrict the location of individual residences, remained in place but continued to erode, and the ability of most citizens to move around the country to live and work continued to improve. The Government places some other restrictions on freedom of movement, and it increased these restrictions during the year, especially before politically sensitive anniversaries and to forestall Falun Gong demonstrations. The "floating population" of economic migrants leaving their home areas to seek work elsewhere in the country is estimated to be between 80 and 130 million. This group comprises not only migrant workers, but also includes a growing number of middle-class professionals attracted to large cities by hopes of better paying jobs in their fields. This itinerant population lacks official residence status, which is required for full access to social services and education. Unless such persons obtain resident status, they must pay a premium for these services. However, some cities, such as Beijing, are beginning to offer social services free of charge. In August 1998, the Public Security Ministry issued revised regulations that allow persons from the countryside to apply for permanent residence in a city if: 1) They have investments or property in a city; 2) they are elderly and have children who live in a city; or 3) their spouses live in a city.

Prior to sensitive anniversaries, authorities in urban areas rounded up and detained "undesirables," including the homeless, the unemployed, migrant workers, those without proper residence or work permits, petty criminals, prostitutes, and the mentally ill or disabled. These persons often were detained or expelled under custody and repatriation regulations or similar administrative regulations (see Sections 1.d. and 1.e.). In March the Government enacted a set of measures aimed at reducing the number of migrant workers in the city without valid work permits by 10 percent before June 1. Measures taken included evicting persons from illegally rented housing, doubling the monthly fee for a temporary residence permit, and increasing the cost to employers of hiring migrant workers. On March 15, Beijing's Uighur Village was razed. There was speculation that these measures were undertaken to maintain order and to "tidy up" in a year of important anniversaries. From Chinese New Year to sometime in March there reportedly was a crackdown on migrant workers in Shanghai as well, with officials checking credentials and sending those with improper ones back to the provinces. Some reportedly were required to pay \$121 (1,000 rmb) for a temporary work permit, up from \$10 (80 rmb) previously. There were reports of spot checks of identification documents, housing raids, and harassment of migrants at train and bus stations in Beijing during the year, particularly prior to October 1. Some non-local residents found in Beijing, whatever their reason for being in the city, reportedly were escorted quickly to train stations and sent home by the police in the days prior to the National Day celebrations. Human Rights Watch reported in December that many persons without residence permits or permanent incomes were rounded up and sent out of the city; migrants, beggars, hawkers, food vendors, the homeless, the unemployed, the mentally ill, prostitutes, and other undesirables also supposedly were targeted. It also reported that on September 6, the Public Security Bureau notified hotels, hostels, boarding houses, and private citizens that they would be penalized for housing illegal migrants, and that any non-resident entering Beijing needed a detailed letter of introduction. By some estimates, police forced 100,000 or more nonresidents out of Beijing prior to October 1 through a custody and repatriation program; during the last week of October, a Communist Party official admitted to the foreign press that 3,000 persons from other parts of the country were detained in police sweeps of Beijing for nonresidents (see Section 1.d.). The crackdown on illegal migrants reportedly continued after October 1, with 18,000 nonregistered residents of Beijing detained or returned to their registered places of residence in the last week of October.

Dissidents reported that the authorities restricted their freedom of movement during politically sensitive periods. In April, while Premier Zhu Rongji was visiting the United States, Xian dissident Fu Sheng was detained for 12 hours and prevented from visiting the grave of Hu Yaobang, whose 1989 death sparked the Tiananmen student protests. Beijing activist Ding Zilin and her husband were confined to their home numerous times during the year, including for 50 days during the period of the 10th anniversary of the Tiananmen Massacre.

As the crackdown on the Falun Gong began in July, the authorities tightly restricted travel into Beijing as Falun Gong members from around the country converged on the city to protest the ban on the group (see Section 2.c.).

Under the "staying at prison employment" system applicable to recidivists incarcerated in reeducation-through-labor camps, authorities have denied certain inmates permission to return to their homes. Those inmates sentenced to more than 5 years in reeducation-through-labor camps also may lose their legal right to return home. For those assigned to camps far from their residences, this practice constitutes a form of internal exile. The number of prisoners subject to this restriction is unknown. Authorities reportedly have forced others to accept jobs in state enterprises where they can be monitored more closely after their release from prison or detention. Other released or paroled prisoners returned home but were not permitted freedom of movement. Chen Ziming, who was paroled on medical grounds in November 1996, remained confined to his home except for police-escorted visits to doctors. Former senior leader Zhao Ziyang remained under house arrest, and security around him was tightened routinely during sensitive periods, such as the anniversary of the Tiananmen massacre and during the visits of important foreign leaders. The authorities released Bao Tong, a former Zhao Ziyang aide in 1997, but continue to monitor closely Bao Tong's activities.

There is evidence that official poverty alleviation programs, and major state projects such as building dams and environmental/ reforestation projects, include forced evacuation of persons.

The Government permits legal emigration and foreign travel for most citizens. The Government continued to use political attitudes as criteria for selecting persons for government-sponsored study abroad. The Government did not control privately sponsored students, who constitute the majority of citizens studying abroad; however, there were some reports that academics faced some travel restrictions around the year's sensitive anniversaries, especially June 4. Business travelers who wish to go abroad can obtain passports relatively easily. Permission for couples to travel abroad sometimes was conditioned on agreement to delay childbirth. In 1998 in Xinjiang, a businesswoman and former member of the Chinese People's Political Consultative Conference, Rebiya Kadeer, reportedly was deprived of her passport and could not leave Urumqi without police authorization. She was arrested in August (see Section 1.d.). Authorities reportedly confiscated the travel documents of Hong Kong prodemocracy legislator Fred Li, and barred him from entering the mainland on July 3. Two other Hong Kong legislators were denied permission to travel to Beijing earlier in the year to voice their views on the right of abode case in Hong Kong. Members of the underground Catholic Church, especially clergy wishing to further their studies abroad, frequently found it difficult to obtain passports and other necessary travel documents. The Government continued efforts to attract persons who had studied overseas back to China. Official media have stated in the past that persons who have joined foreign organizations hostile to China should quit them before returning home and refrain while abroad from activities that violate China's laws.

In 1998 Beijing activist Ren Wanding was denied a passport because his "political rights" still had not been restored after his release

from prison. Bao Tong reportedly was refused a passport to visit his son abroad in 1998 and 1999.

There also were instances when the authorities refused visas or entry on apparent political grounds. International observers and human rights organizations reported that they had documents that substantiated claims that border control stations keep background records of certain individuals who are to be denied entry. Authorities have denied these reports. In April foreign-based dissident Wang Xizhe was denied permission to return to China to attend his father's funeral. On two occasions, once in March and again in April, Lai Lai-Har, a prodemocracy activist from Hong Kong, was denied entry into the mainland. In July Chinese Democracy and Justice Party member Guo Hui, who returned to China to visit her ailing mother, was detained by police in Shanghai, interrogated for over 8 hours, and expelled the following day. In September the authorities detained Huang Ciping, a foreign-based human rights activist, who had hoped to visit her sick father, upon arrival at Shanghai airport and deported her soon thereafter. Also in September, the authorities denied prodemocracy activist and Hong Kong Legislative Council representative Margaret Ng a visa for entry to the mainland. Some foreign academics with contacts with the dissident community also have been refused entry visas repeatedly.

The Government does not provide first asylum. However, since the late 1980's, China has adopted a de facto policy of tolerance toward the small number of persons--fewer than 100 annually--from other nations who have registered with the Beijing office of the United Nations High Commissioner for Refugees (UNHCR) as asylum seekers. The Government has permitted these persons to stay in China while the UNHCR makes determinations as to their status and--if the UNHCR determines that they are bona fide refugees--while they await resettlement in third countries. As yet, China has no law or regulations that authorize the authorities to grant refugee status, but the Government reportedly continues to draft working rules on granting such status.

The Government has worked with Laos and Cambodia to facilitate the return of resettled individuals who have decided to return to their home countries. The Government denies having tightened its policy on accepting Vietnamese asylum seekers. Due to the stable situation in Vietnam with regard to ethnic Chinese and the increasingly porous border between the two countries, very few Vietnamese have sought resettlement in China in recent years.

There were no confirmed reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens lack the means to change their government legally and cannot freely choose or change the laws and officials that govern them. Citizens vote directly for local nongovernmental village committees and among party-reviewed candidates for delegate positions in town and township and county-level peoples' congresses. However, Peoples' Congress delegates at the provincial level are selected by county-level people's congresses, and in turn provincial-level people's congresses select delegates to the National People's Congress. Although the CCP vets all candidates, many county and provincial elections are competitive, with more candidates running than there are seats available.

According to the Constitution, the NPC is the highest organ of state power. Formally it elects the President and Vice President, selects the Premier and vice premiers, and elects the Chairman of the State Central Military Commission. In practice the NPC Standing Committee oversees these elections and determines the agenda and procedure for the NPC under the direct authority of

the Politburo Standing Committee. The NPC does not have the power to set policy or remove government or party leaders; however, in some instances its actions have affected economic policy.

In general, the election and agenda of people's congresses at all levels remain under the firm control of the Communist Party, the paramount source of political authority. A number of small "democratic" parties that date from before the Communist takeover in 1949 play a minor consultative role and must pledge their allegiance to the Communist Party. The CCP retains a tight rein on political decisionmaking and forbids the creation of new political parties. The Government intensified efforts to suppress the China Democracy Party, an organization that had attracted hundreds, perhaps thousands, of members nationwide since its founding in 1998. Public security organs arrested nearly all of its most important leaders. Scores of party members were detained in cities throughout the country in the period prior to the 10th anniversary of the Tiananmen massacre (see Section 1.d.). The CDP's three best known leaders--Wang Youcai, Xu Wenli, and Qin Yongmin--all were sentenced in December 1998, to prison terms of 13, 12, and 11 years respectively. In July a court in Gansu sentenced CDP members Yue Tianxiang to 10 years, and Guo Xinmin, and Wang Fengshan to sentences of 2 years each for subversion. In 1 week in August courts in Beijing and Sichuan sentenced CDP activists Gao Hongming to 8 years, Zha Jianguo to 9 years, She Wanbao to 12 years, and Liu Xianbin to 13 years--all for alleged subversion. In late October Zhu Yufu, Mao Qingxiang, and another activist were sentenced to 7, 8, and 5 years, respectively. Prominent members such as Hangzhou's Wu Yilong remain detained without charge.

At the same time, democratic decisionmaking continued to grow as the local village committee elections program expanded. Under the 1987 Organic Law of the Village Committees, all of the country's approximately 1 million villages are expected to hold competitive, direct elections for village committees. The NPC Standing Committee in November 1998 passed a revised version of the law, which called for enhancements in the electoral process, including substantial improvements in the nominating process and the required use of voting booths. It also provided for improved transparency in village committee administration and appears to boost the authority of the village committees over communally owned properties. The revised law also explicitly transferred the power to nominate candidates to the villagers themselves, as opposed to village groups or party branches.

Both the Government and foreign observers estimate that more than 90 percent of villages have participated in elections for local leaders. According to the Ministry of Civil Affairs, the majority of provinces have carried out at least three or four rounds of village elections. Foreign observers who have monitored local village committee elections, including the Carter Center and the International Republican Institute, have judged the elections they observed, on the whole, to be fair. However, many villages have yet to hold truly competitive elections. The Government estimates that one-third of all elections have serious procedural flaws. Approximately another third are judged to have satisfied central government guidance and the law, which requires secret ballots to select candidates. Successful village committee elections have included secret ballots to select candidates, active campaigns by multiple candidates, platforms, and the use of secret ballots in the election itself. Some regions have experimented with a nominating process that gives this power completely to villagers, as opposed to village groups or party branches.

Candidates favored by local authorities have been defeated in some elections, although in general the party dominates the electoral process, and roughly 60 percent of the members elected to the village committees are Communist Party members. The final ballot is the culmination of an election process that includes government screening of candidates and an indirect vote that eliminates some candidates. Many observers caution that the village election system is not necessarily a precursor for democracy at higher levels of

government, and village elections--as currently practiced--do not threaten to undermine the implementation of unpopular central policies or endanger the leading role of the Communist Party. The nongovernmental elected village committees are not part of the formal government structure. The powers of elected village committees vary from region to region. Most committees have the authority to mediate disputes between villagers, improve public order, and authorize small expenditures. The committees also carry out political work by serving as a channel of communication between villagers and the Government. The village committees have no power to tax, set fines or punishments independently, or hire or fire village enterprise managers. According to press reports, Zhang Mingjun and three others led a protest in front of the office of a corrupt local party boss in Yuzhuang village, Shandong. After the demonstration, the four became write-in candidates for local village deputies in Yuzhuang village and won. Zhang Mingjun was elected village chief. Two weeks after the election, Zhang and his three deputies were arrested by local police for having led the demonstration, and were charged with having attacked government offices. This allegedly was done to nullify the election.

The 1998 revised village election law authorized the establishment of "villager's representative assemblies" to oversee the performance of village committees. Such assemblies already existed for years in some provinces; in 1997, for example, an assembly in Zhaoxin county, Hebei province, reportedly removed 54 corrupt or incompetent village committee members and vetoed 72 "unreasonable" development projects. Township authorities in several provinces have held experimental elections to select local executive officials. Citizens of Sichuan's Buyun township on December 1998 held the first such vote. Despite central government expressions of concern that this election violated constitutional provisions requiring that the local people's congresses elect executive officials, the central government ultimately confirmed the vote. During another experimental township election during the year, the "two ballot" vote in Guangdong province's Dapeng township--explicitly authorized by the National People's Congress--attracted attention both at home and abroad. Under this arrangement, groups of 100 or more citizens were free to nominate candidates. A township-wide conference of local leaders from various institutes thereupon voted to select one of those candidates. The local people's congress confirmed the decision in a pro forma vote, thereby satisfying constitutional requirements.

The Government places no restrictions on the participation of women or minority groups in the political process; however, they are underrepresented in government and politics. Women freely exercise their right to vote in village committee elections, but only a small fraction of elected members are women. The Government and party organizations include approximately 12 million female officials out of 61 million party members. Women constitute 21.83 percent of the National People's Congress. The 15th Party Congress elected 22 women to serve as members or alternates on the 193-person Central Committee, an increase over the total of the previous committee. However, women still hold few positions of significant influence at the highest rungs of the party or government structure. One alternate member of the 22-member Politburo is a woman, and women hold 2 of 29 ministerial-level positions.

Minorities constitute 14 percent of the National People's Congress. All of the country's 56 nationalities are represented in the NPC membership. The 15th Party Congress elected 38 members of ethnic minorities to serve as members or alternates on the Central Committee, an increase over the total of the previous committee. However, minorities hold few senior party or government positions of significant influence.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no independent domestic NGO's that publicly monitor or comment on human rights conditions. However, an informal network of dissidents in cities around the country has become a credible source of information about government actions taken against activists. The information is disseminated to the outside world through organizations such as the Hong Kong-based Information Center for Human Rights and Democratic Movement and the New York-based Human Rights in China. The press regularly prints articles about officials who exceed their authority and infringe on citizens' rights. However, the Government remains reluctant to accept criticism of its human rights record by other nations or international organizations and criticizes reports by international human rights monitoring groups, maintaining that they are inaccurate and interfere with the country's internal affairs. The Government still maintains that there are legitimate, differing approaches to human rights based on each country's particular history, culture, social situation, and level of economic development. In 1993 the Government established the China Society for Human Rights, a "nongovernmental" organization whose mandate is not to monitor human rights conditions, but to defend the Government's views and human rights record.

The Government has active human rights dialogs with a large number of countries, including Great Britain, France, Australia, Canada, Norway, Sweden, Brazil, and Japan, as well as the European Union (EU). However, these dialogs have not produced significant improvements in the government's human rights practices. The United States and China resumed their bilateral human rights dialog in January, but China suspended it in April. In recent years, the Government has expanded greatly the number and frequency of judicial and other types of legal exchanges with foreign countries.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

There are laws designed to protect women, children, the disabled, and minorities. However, in practice, societal discrimination based on ethnicity, gender, and disability persists. The concept of a largely homogeneous Chinese society pervades the thinking of the Han majority.

Women

Violence against women is a problem. Violence against women can be grounds for prosecution under the law. Sociologists note that there has been no detailed research on the extent of physical violence against women. However, anecdotal evidence suggests that the reporting of domestic abuse is on the rise, particularly in urban areas, because greater attention has been focused on the problem. Informal surveys by women's groups indicate that 20 percent of women may have been beaten by their husbands. Actual figures may be higher because spousal abuse still goes largely unreported. According to experts, the percentage of households in which domestic abuse has occurred is higher in rural areas than in urban centers.

In recognition of the seriousness of spousal abuse, some localities, such as Hunan province, have passed legislation to address the problem. However, some experts note that, even when appropriate legislation exists, local law enforcement authorities frequently choose not to interfere in what they regard as a family matter. There is no national spousal abuse law.

According to some estimates by experts, there are 4 to 10 million commercial sex workers in the country. The increased commercialization of sex and related trafficking in women (see Section 6.f.) has trapped thousands of women in a cycle of crime and

exploitation, and left them vulnerable to disease and abuse. According to the official Xinhua News Agency, one in five massage parlors in China is involved in prostitution, with the percentage higher in cities. Unsafe working conditions are rampant among the saunas, massage parlors, clubs, and hostess bars that have sprung up in large cities. According to one estimate there are 70,000 prostitutes in Beijing alone. Research indicates that up to 80 percent of prostitutes in some areas have hepatitis. In light of this and, in particular, of the growing threat of AIDS among Chinese sex workers, the Convention on the Elimination of Discrimination Against Women (CEDAW) Committee in December 1998 recommended that due attention be paid to health services for women in prostitution. Although the central Government and various provincial and local governments have attempted to crack down on the sex trade, there have been numerous credible reports in the media of complicity in prostitution by local officials. Thus far, actions to crack down on this lucrative business, which involves organized crime groups and business persons as well as the police and the military, largely have been ineffective.

There were credible reports of trafficking in persons, and the kidnaping of women for sale into prostitution or marriage is a serious problem (see Section 6.f.).

There is no statute that outlaws sexual harassment in the workplace, although there has been some discussion by legislators about the need for such legislation. The problem remains unaddressed in the legal system and often in society. However, experts state that more women are raising their concerns about sexual harassment because of greater awareness of the problem.

A high female suicide rate is a serious problem. According to the World Bank, Harvard University, and the World Health Organization, some 56 percent of the world's female suicides occur in China (about 500 per day). The World Bank estimated the suicide rate in the country to be three times the global average; among women, it was estimated to be nearly five times the global average. Research indicates that the low status of women, the rapid shift to a market economy, and the availability of highly toxic pesticides in rural areas are among the leading causes.

The authorities have enacted laws and conducted educational campaigns in an effort to eradicate the traditional preference for sons; however, this preference remains strong in rural China. A number of provinces have sought to reduce the perceived higher value of boys in providing old-age support for their parents by establishing or improving pensions and retirement homes.

The Government has made gender equality a policy objective since 1949. The Constitution states that "women enjoy equal rights with men in all spheres of life." The 1992 Law on the Protection of Women's Rights and Interests provides for equality in ownership of property, inheritance rights, and access to education. Women's economic and political influence has increased. Nonetheless, female activists are increasingly concerned that the progress that has been made by women over the past 50 years is being eroded and that women's status in society has regressed in the 1990's. They assert that the Government appears to have made the pursuit of gender equality a secondary priority as it focuses on economic reform and political stability. Social and familial pressure also has grown for women to resume their traditional roles as wives and mothers. A recent study of how women are portrayed in the media revealed that images of a woman's worth increasingly are linked to her ability to attract a wealthy husband and be a good mother.

The 1992 Law on the Protection of Women's Rights and Interests was designed to assist in curbing gender-based discrimination. However, women continued to report that discrimination, sexual harassment, unfair dismissal, demotion, and wage discrepancies

were significant problems. Efforts have been made by social organizations as well as the Government to educate women about their legal rights, and there is anecdotal evidence that women increasingly are using laws to protect their rights. Nevertheless, women encounter serious obstacles in getting laws enforced. The structure of the social system also prevents women from having a full range of options. For example, women who seek a divorce face the prospect of losing their housing since government work units allot housing to men when couples marry.

Women have borne the brunt of China's economic reform of state-owned enterprises. As the Government's plan to revamp state-owned enterprises is carried out, millions of workers have been laid off. Of those millions, a disproportionate percentage are women, many of whom do not have the skills or opportunities to find new jobs. A December 1998 Asian Development Bank report noted that almost 70 percent of the 23 million persons who could lose their jobs as a result of state-owned enterprise reform were women, even though they only constitute 36.4 percent of the work force. A 1998 All-China Federation of Trade Unions (ACFTU) report estimated that 80 percent of those laid off from state-owned enterprises in Heilongjiang province were women. Women between the ages of 35 and 50 were the most affected, and the least likely to be retrained. In addition, female employees were more likely to be chosen to take pay cuts when a plant or company was in financial trouble. There have been reports that many women have been forced or persuaded into early retirement, as well. Discriminatory hiring practices appear to be on the rise as unemployment rises. Increasingly companies discriminate by both sex and age, although such practices violate labor laws.

Many employers prefer to hire men to avoid the expense of maternity leave and childcare and some even lower the effective retirement age for female workers to 40 years of age. (The official retirement age for men is 60 years and for women 55 years.) Lower retirement ages have the effect of reducing pensions, which generally are based on years worked.

The law promises equal pay for equal work. According to a 1997 World Bank report, Chinese women, on average, earn between 80 and 90 percent of the salaries of their male counterparts. Most women employed in industry work in lower skilled and lower paid jobs.

While the gap in the education levels of men and women is narrowing, men continue to constitute the majority of the relatively small percentage of the population that receives a university-level education. According to figures released by the All-China Women's Federation, at the end of 1997, women made up 36 percent of all university students, and 30 percent of all graduate students. However, educators in the large cities have reported that there is a trend toward greater gender balance in universities. Some academics have reported that in some departments women are beginning to outnumber men--even in some graduate schools. However, women with advanced degrees report an increase in discrimination in the hiring process as the job distribution system has opened up and become more competitive and market driven.

According to official figures, in 1995 there were 145 million illiterate persons above the age of 15. Women made up approximately 70 percent of this total. A 1998 Asian Development Bank report estimated that 25 percent of all Chinese women are semi-literate or illiterate, compared with 10 percent of men. The Government's "Program for the Development of Chinese Women (1995-2000)" sets as one of its goals the elimination of illiteracy among young and middle-aged women by the end of the century. The main priority is to increase the literacy of rural women, 80 percent of whom are wholly or partially illiterate. However, some women's advocates were skeptical that the Government's goal could be attained given the lack of resources.

Children

The Constitution provides for 9 years of compulsory education for children (see Tibet addendum); however, despite the requirement that children attend school for 9 years, in economically disadvantaged rural areas many children do not attend school for the required period, if at all. Public schools are not allowed to charge tuition, but faced with revenue shortfalls since the central Government largely stopped subsidizing primary education in the early 1990's, many schools have begun to charge required fees. Such fees make it difficult for poorer families to send their children to school or send them to school on a regular basis. Some charitable schools have opened in recent years in rural areas, but not enough to meet the demand. Children of migrant workers in urban areas also often do not attend school, although they may be allowed to do so if they pay required school fees (which their parents generally cannot afford, and which are higher than for resident children). Some unlicensed schools that cater to migrant children and have lower school fees reportedly have opened in cities in recent years. However, the quality of these schools is uneven. Because the schools are not licensed, their graduates may not be able to be admitted to high school. Such schools are in constant danger of being closed by the authorities. The Government campaign for universal primary school enrollment by 2000 has helped to increase enrollment in some areas; however, it also reportedly has led to school officials inflating the number of children actually enrolled.

The extensive health care delivery system has led to improved child health and a sharp decline in infant mortality rates. According to 1997 official figures, the infant mortality rate was 33 per 1,000 in 1996. According to the U.N. Children's Fund (UNICEF), in 1995 the mortality rate for children under 5 years of age was 47 per 1,000 live births.

The 1992 Law on the Protection of Juveniles forbids infanticide, as well as mistreatment or abandonment of children. The law also prohibits discrimination against disabled minors, emphasizes the importance of safety and morality, and codifies a variety of judicial protections for juvenile offenders. The physical abuse of children can be grounds for criminal prosecution.

There were credible reports of female infanticide. The use of ultrasound tests to determine gender also results in decisions to terminate pregnancies of female fetuses, but no reliable statistics are available on the extent of the problem. One 1997 newspaper article quoted a doctor as saying that as many as 97.5 percent of pregnancies terminated in his hospital were of female fetuses. A 1997 World Health Organization paper reported that the national ratio of male to female births in 1994 was 117 to 100 (the worldwide statistical norm is 106 to 100). Part of the statistical gap may be attributable to female infanticide, sex-selective termination of pregnancies, and abandonment or neglect of girls. Underreporting of female births by couples trying to evade family planning laws to try to have a son is another significant factor (see Section 1.f.).

According to the latest available figures, compiled in 1994, the number of children abandoned each year is approximately 1.7 million, despite the fact that under the law child abandonment is punishable by a fine and a 5-year prison term. The vast majority of those eventually admitted to orphanages are female, although some are disabled or in poor health. Children put up for foreign adoption are almost exclusively girls. The treatment of children at these institutions varies from adequate to deplorable. There have been reports of children at some orphanages being restrained for long periods of time and being denied basic care and food. Accurate determination of infant mortality rates in orphanages is difficult, but rates appear to be very high at many, especially among new arrivals.

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According to several sources, orphanage workers in some facilities reserve basic medical care and even nutrition for children who are deemed to have the best chances for survival. Some sources report that children whose prospects of survival are determined to be poor are placed in rooms separate from other children and subjected to extreme neglect. Claims that government policies, as opposed to lack of resources, were to blame for the lack of care of children placed in orphanages could not be verified. However, Human Rights Watch reported in 1996 that many institutions, including those with the highest death rates, have budgets that provide for adequate wages, bonuses, and other personnel-related costs, but that budgets for children's food, clothing, and other necessities are low throughout the country. There was a report in 1998 that, at least in one orphanage, a new conference room was built while the facilities and care for orphans under the age of 2 remained abysmal. The mortality rate for children under the age of 2 at this institution reportedly approached 100 percent, even for those infants who entered in fair health. Bureaucratic indifference and corruption on the part of orphanage administrators appear to be significant factors in such cases.

The Government denies that children in orphanages are mistreated or refused medical care but acknowledges that the system often is unable to provide adequately for some children, especially those who are admitted with serious medical problems. In an effort to address this problem, in November 1998 the NPC adopted a revised adoption law making it easier for couples to adopt. The new law dropped a restriction that parents who adopt a child must be childless. It also allows for multiple adoptions and lowers the age at which couples are eligible to adopt. The Civil Affairs Ministry announced in 1997 that the Government's top social welfare priority for that year would be to improve conditions in orphanages, and there have been credible reports of new construction, renovation, and improved care in some areas. Over \$30 million (248.4 million rmb) reportedly was allocated for this program. A government white paper on women and children issued in 1997 stated that the central Government had spent \$25.7 million (212.8 million rmb) between 1990 and 1994 to improve "children's welfare institutions," the official term for orphanages. During the same period, local governments apparently allocated almost \$18 million (149 million rmb) to these institutions.

Children are reportedly detained administratively in custody and repatriation centers, either for minor crimes they have committed or because they are homeless. Such children routinely are detained with adults, and may be required to work (see Sections 1.d, 1.e., and 6.c.).

Despite government efforts to prevent kidnaping and the buying and selling of children these problems persist in some rural areas (see Section 6.f.).

People With Disabilities

In 1990 the Government adopted legislation that protects the rights of the country's disabled persons. According to the official press, all local governments subsequently drafted specific measures to implement the law. The press publicizes both the plight of the disabled and government efforts to assist them. The Government, at times in conjunction with NGO's such as the Lions Club International, sponsors a wide range of preventive and rehabilitative programs, including efforts to reduce congenital birth defects, treat cataracts, and treat hearing disorders. The goal of many of these programs is to allow persons with disabilities to be integrated into the rest of society.

However, reality for the disabled lags far behind legal dictates. Misdiagnosis, inadequate medical care, pariah status, and

abandonment remain common problems. In a 1998 speech, Vice Premier Li Lanqing noted that in the past decade, the Government has helped some 14 million disabled citizens solve their food and clothing problems. Nonetheless, Government statistics show that almost one-quarter of the approximately 60 million disabled persons live in extreme poverty. According to 1998 government statistics, the unemployment rate for disabled persons is 26.7 percent, a decrease from the past, but still almost 10 times the official rate for the general population. The Government's new strategy is to integrate the disabled into the mainstream work force, but these efforts are running into a cultural legacy of discrimination and neglect, as well as a slowing economy. In the mid-1990's in Beijing and eight other cities, the Government began, on a trial basis, to require all companies and institutions to hire at least 1 percent of its workers from among the disabled. However, over a period of 2 years in Beijing, only 400 disabled persons obtained jobs in this way; in Shanghai, over a period of 3 years, only 100 persons obtained jobs.

Deng Pufang, son of the late paramount leader Deng Xiaoping, heads the China Welfare Fund for the Handicapped and the China Disabled Persons' Federation (CDPF), government-affiliated organizations tasked with assisting the disabled. In March 1998, this organization laid out a series of goals that it hoped to achieve by 2000, including ensuring that all persons with disabilities have adequate food and clothing, providing rehabilitation services for 3 million individuals, increasing to 80percent the enrollment rate for disabled students, and reducing to 20 percent the unemployment rate for disabled workers.

The Maternal and Child Health Care Law forbids the marriage of persons with certain specified contagious diseases or certain acute mental illnesses such as schizophrenia. If doctors find that a couple is at risk of transmitting disabling congenital defects to their children, the couple may marry only if they agree to use birth control or undergo sterilization. This law mandates premarital and prenatal examination for genetic or contagious diseases, but it specifies that medically advised termination of pregnancy or sterilization requires the signed consent of the patients or their guardians.

In 1998 the adoption law was revised to loosen age restrictions on adoption. This change, which was intended to facilitate adoption, may have unintended consequences for children with special needs. In the past, individuals under the age of 35 could adopt only children with special needs. The minimum age for adopting a healthy child is now set at 30 instead of 35. Some observers worry that the law, which became effective on April 1, may eliminate the age-based incentive for such adoptions.

Standards adopted in 1994 for making roads and buildings accessible to the disabled are subject to the 1990 Law on the Handicapped, which calls for their "gradual" implementation. Lax compliance with the law has resulted in only limited access to most buildings.

Persons in urban areas who are mentally ill or disabled and are found on city streets can be detained administratively under custody and repatriation regulations, ostensibly for their protection (see Sections 1.d. and 1.e.). The conditions under which they are held in such centers reportedly are poor.

National/Racial/Ethnic Minorities

According to 1995 government statistics, the total population of the country's 55 ethnic minorities was 108.46 million, or 8.98 percent of the national population. Most minority groups reside in areas they traditionally have inhabited, many of which are mountainous or

remote. The Government's avowed policy on minorities calls for preferential treatment in marriage regulations, family planning, university admission, and employment. However, there have been reports that in some areas ethnic minorities have been subjected to pressure to limit births to the lower number allowed Han Chinese (see Section 1.f.). Programs have been established to provide low-interest loans, subsidies, and special development funds for minority areas. Nonetheless, in practice, minorities face discrimination. Most of the minorities in border regions are less educated than the national average, and job discrimination in favor of Han migrants remains a serious problem. Racial discrimination is the source of deep resentment on the part of minorities in some areas, such as Xinjiang and Tibet; however, the Government does not recognize openly racism against minorities or tension among different ethnic groups as problems.

Official figures state that the Government invested \$12.6 billion (104 billion rmb) in infrastructure development for minority areas during the period 1991 to 1995. The ninth 5-Year Plan announced in 1997 stated that the Government would raise this figure to \$27.8 billion (230 billion rmb) for the period from 1996 to 2000. According to government statistics, between 1991 and 1996, the economies in minority regions grew by nearly 11 percent annually, surpassing the national average in each year. Government development policies have helped improve minority living standards. However, real incomes in minority areas, especially for non-Han groups remain well below those in other parts of the country, and minorities credibly claim that Han Chinese have benefited disproportionately from government programs and economic growth. Many development programs have disrupted traditional living patterns of minority groups, including Tibetans and the Muslim Uighur majority of western Xinjiang. For example, there is evidence that official poverty alleviation programs, and major state projects such as building dams and environmental/reforestation projects, include forced evacuation of persons (see Section 2.d.). Plans to develop tourism in Xinjiang also often have focused on marketing and investment opportunities but paid little attention to how minority cultures and the environment might be affected adversely. However, some projects have been dropped for environmental reasons--for example, a proposal to build a railway around Lake Tianchi near Urumqi. Since 1949 central government and economic policy have resulted in a significant migration of Han Chinese to Xinjiang. According to a government white paper, in 1998 there were approximately 8 million Uighurs, 2.5 million other ethnic minorities, and 6.4 million Han in Xinjiang, up from 300,000 Han in 1949.

According to official government statistics, 15.34 million minority students attended schools between 1994 and 1996. A 1997 white paper stated that 98.2 percent of all school-age children in the Guangxi Zhuang Autonomous Region were enrolled in schools in 1996. In many areas with a significant population of minorities, there are two-track school systems using either Mandarin or the local minority language. Students can choose to attend schools in either system. One acknowledged side effect of this policy, originally designed to protect and maintain minority cultures, has been reinforcement of a segregated education system. Under this divided education system, those graduating from minority schools are at a disadvantage in competing for jobs in government and business, which require good Chinese-language skills. Graduates of these schools typically need a year or more of intensive Chinese before they can cope with course work at a Chinese-language university (see Tibet addendum).

The Communist Party has an avowed policy of boosting minority representation in the Government and the Party. A September government white paper reported that there were 2.7 million minority officials in the Government. According to government statistics, there were 163,000 minority officials in the Inner Mongolia Autonomous Region. Minority officials constitute 23.3 percent of the region's total, exceeding the ratio of the minority population to Han Chinese in the region. Many members of minorities occupy local

leadership positions, and a few have positions of influence at the national level. However, in most areas ethnic minorities are shut out of positions of real political and decisionmaking power. In Xinjiang the job of county party secretary--the most important position in a county--typically is reserved for Han Chinese, even in counties that are close to 100 percent Uighur. Many minorities resent Han officials holding key positions in minority autonomous regions.

During the year, a government plan to resettle some 58,000 ethnic Han, Hui Muslim, and Tibetan farmers in a traditionally Tibetan area (Dulan county in Haixi Tibetan-Mongolian Autonomous Prefecture, Qinghai province) as part of a poverty alleviation program fueled controversy. The resettlement, which is to be funded in part by the World Bank (which is currently reviewing the project), is planned to take 6 years to complete; when the resettlement is completed, the Tibetan population is projected to fall to 14 percent of the total in the project area, from its current level of 22 percent. On August 15, two foreign researchers and their Tibetan translator were detained and interrogated by the authorities in Qinghai province, where they had gone to research local reaction to the project. One of the foreigners was injured seriously when he jumped out of a window. The two foreigners were released from custody and expelled from the country after signing confessions of wrongdoing; one was detained for 6 days, the other was released to Hong Kong after 11 days. Their Tibetan translator was released after 1 month in detention.

Tensions between ethnic Han citizens and Uighurs in Xinjiang continued. Since 1996 the authorities have cracked down harshly on suspected Uighur nationalists and independent Muslim religious leaders. There were numerous reports during the year that Uighurs were being executed or sentenced to long prison terms for separatist activities. In February a government radio station in the Xinjiang Uighur Autonomous Region reported that eight "violent terrorists," who "had taken part in many illegal religious terrorist activities in recent years in a vain attempt to split the motherland," had been sentenced to death in public trials. According to the report, the eight were executed immediately after sentencing. Newspapers reported in August that the authorities had executed a 20-year-old Uighur, who reportedly was behind several bombings that killed a policeman and wounded a factory worker in 1998. Also in August, Amnesty International issued a report documenting 210 death sentences and 190 executions in Xinjiang since 1997. According to Amnesty International, thousands of persons have been detained arbitrarily, including some for their suspected support of the nationalist cause. Human Rights Watch reports that in January, a court official in Ili prefecture admitted that 29 persons, all but 2 of whom were Uighurs, had been sentenced to death. During the year, there were numerous police checkpoints set up in southern Xinjiang. There was at least one in most villages, and there were several on major roads. Tensions rose in Xinjiang prior to October 1, due to a heightened security presence and an increase in the harassment of Uighurs. The heightened security presence continued after the National Day celebrations. In late October, there were reports of a confrontation between police and Uighurs that left six Uighurs and one policeman dead. Amnesty International reports that many Uighurs detained for political reasons in Xinjiang between 1990 and 1998 still are believed to be in custody.

A campaign to stress ethnic unity and to condemn "splittism" and religious extremism that began in Xinjiang in 1997 continued. This campaign pervades the Chinese-language media and reaches into the region's school system. Authorities maintained tight control over "separatist activities," announced tightened security and antiterrorist measures, and mounted campaigns to crack down on opposition during the year. Security in the region was especially tight before the October 1 National Day celebrations, during which an exhibition in Urumqi depicting the history of the Uighurs was shut down.

According to some estimates, the migration of ethnic Han into Xinjiang in recent decades has caused the Han-Uighur ratio in the

capital of Urumqi to shift from 20 to 80 to 80 to 20, and is a source of Uighur resentment. Han control of the region's political and economic institutions also has been a factor in the growth of tension. The testing of nuclear weapons in Xinjiang until July 1996 was another source of serious contention because of continuing health concerns and environmental degradation. Although government policies have brought tangible economic improvements to Xinjiang, Uighurs maintain that they receive only a small share of the benefits. The majority of Uighurs are poor farmers and 25 percent are illiterate.

The education system provides Chinese-language instruction for Han students and Uighur-language instruction for Uighur students until fourth grade, and then gradually switches to Chinese as the principal language of instruction. Graduation from the Uighur school system leaves Uighurs poorly educated, with an inadequate command of the Chinese language.

Possession of separatist publications is not permitted, and, according to reports, possession of such materials has resulted in lengthy prison sentences. A Uighur-language press exists in Xinjiang, but it has a very small circulation, and much of the population depends on market rumor for information. In general, central authorities made it clear that they do not tolerate opposition to Communist Party rule and responded to unrest and terrorist incidents with force and heightened security measures.

Section 6. Worker Rights

a. The Right of Association

The Constitution provides for "freedom of association;" however, in practice this right is subject to the interests of the State and the leadership of the Communist Party. The Communist Party controls the country's sole officially recognized worker's organization, the All China Federation of Trade Unions. The head of the ACFTU is a member of the Standing Committee of the Central Committee of the Communist Party.

Independent trade unions are illegal. The 1993 Trade Union Law required that the establishment of unions at any level be submitted to a higher level trade union organization for approval, and only approved registered unions are legal. The ACFTU subsumes under its authority 16 industry-based and 31 provincial-level labor unions. They, in turn, have jurisdiction over roughly 586,000 "grassroots" labor unions nationwide. According to labor regulations, there can be only one "grassroots" union per enterprise, and only enterprises that have at least 25 employees may establish unions. Following the signing of the International Covenant on Economic, Social, and Cultural rights in 1997, a number of labor activists petitioned the Government to establish free trade unions as allowed under the Covenant. The Government has not approved the establishment of any independent unions to date.

Under the country's planned economy, the ACFTU's main task was to improve labor discipline, mobilize workers to achieve party objectives, and dispense social welfare funds. During the past 2 years, the ACFTU has attempted to respond to the plight of unemployed workers, who have grown to roughly 20 million as a result of layoffs in connection with state-owned enterprise reform. The Government has instructed the ACFTU to play a more active role in protecting the rights of laid off workers and in assisting the Government in the reemployment process. The ACFTU claims that, through 1999, it had established over 3,000 job placement centers and more than 6,000 professional training programs, benefiting over 3 million laid-off workers. During the year it also contributed roughly \$40 million (320 million rmb) to displaced workers in difficult circumstances. Laid-off workers are entitled to

unemployment stipends for 5 years. The central Government, local governments, and state-owned enterprises (SOE's) are to provide the funds for these stipends. Many SOE's and local governments have been unable to contribute funds. As a result, many workers have not received stipends.

The country's workforce totals approximately 740 million persons. The ACFTU claims 103 million members, over 90 percent of whom work in state-owned enterprises. The Trade Union Law allows workers to decide whether to join the union in their enterprises, and there have been no reports of repercussions for the 5 percent of workers who have not joined ACFTU unions. In 1994 the ACFTU actively began recruiting workers in the private sector, including in township and village enterprises (TVE's), as well as in foreign joint ventures. The ACFTU has 5.5 million members in foreign-funded enterprises (approximately 31 percent of the total) and 1.7 million members in private (nonstate domestic) enterprises (approximately 12 percent of the total). Military and security personnel are the only categories of laborers who cannot join a union.

Despite these recruiting efforts, over half of the nonagricultural work force is still largely unorganized. There are roughly 540 million agricultural workers. Farmers do not have a union. There are approximately 125 million agricultural workers in township and village enterprises (TVE's). The ACFTU has attempted in recent years to recruit TVE workers, but only 5.2 million have joined to date. Although some TVE's have local branches of the ACFTU, most TVE managers maintain that an ACFTU presence is not feasible because their employees continue to be classified as "farmers" rather than "workers." However, some Communist Party secretaries in TVE's take it upon themselves to establish union representation and then affiliate with the ACFTU.

During the year, the authorities allowed the formation of semiautonomous "village" labor unions in the rural outskirts of some cities. These nascent organizations, which have not yet been brought formally within the ACFTU, represented migrant laborers in new private sector industries. According to some press reports, these village unions are effective, relatively independent, and cooperative with city governments.

The Government continued its efforts to stamp out illegal union activity, including through detention or arrest of labor activists. For example, activists Li Jinhua and Yan Jinhong were sentenced in January to reeducation-through-labor for 18 months and 12 months, respectively. The two had been arrested in 1998 after leading steelworkers in Sichuan to protest unpaid wages by blocking a railway. Zhang Xucheng was arrested for participating in the same protest and still is awaiting sentencing. Also in January, Zhang Shanguang, the founder of the short-lived Association to Protect the Rights and Interests of Laid-off Workers, unsuccessfully appealed the 10-year prison sentence he received in December 1998. Zhang had been convicted of "illegally providing intelligence to a foreign organization" after informing a Radio Free Asia reporter about worker protests in Hunan province. In April workers in Tianjin announced the formation of the Chinese Association to Protect Worker's Rights. In July labor activist and China Democracy Party member Liao Shaohua was arrested on subversion charges after taking part in a workers' demonstration outside the provincial government building in Changsha, Hunan. He was sentenced to a total of 6 years on December 22. In July Yue Tianxiang was sentenced to 10 years, and Guo Xinmin, and Wang Fengshan each were sentenced to 2 years in prison, for subversion. The three were arrested in January after establishing the "China Workers Watch," an organization to defend workers' rights. Guo Xinmin's family alleged that police hung him by his hands in order to extract information on fellow dissidents. In August He Chaohui was given a 10-year prison sentence for providing intelligence to foreigners. He had served 2 years in prison for illegal union activities in the

organizations overseas with information on protests.

Neither the Constitution nor the labor law provide for the right to strike. The Communist Party exerts strong control over organized labor. Strikes are not sanctioned officially, and accurate statistics on strike incidents are not available. However, there continued to be numerous reports of demonstrations throughout the country by workers in response to unpaid wages, benefits, pensions, and unemployment stipends, including in Shenyang, Kaishantun, and Anshan. Workers also protested continuing large-scale layoffs that have been prompted by industrial restructuring. Demonstrations were typically short and nonviolent, with participation ranging as high as the thousands. Government authorities for the most part responded with minimal force to resolve labor conflicts and refrained from detaining large numbers of participants.

The Trade Union Law assigns unions the role of mediators or go betweens with management in cases of work stoppages and slowdowns. In addition, a workers' dispute settlement procedure, in effect since 1987, provides for mediation, two levels of arbitration committees, and a final appeal to the courts. The Ministry of Labor and Social Security has established a nationwide organizational network for handling labor disputes, consisting of 270,000 enterprise labor dispute mediation commissions and 3,159 labor dispute arbitration commissions. There are 1,569,000 full- and part-time enterprise mediators and more than 17,000 labor arbitrators. In May the ACFTU reported that in 1997 there had been more than 71,000 cases of labor-management disputes. This was double the number reported by the ACFTU in 1995. According to statistics released in September by the ACFTU, there were 152,000 disputes in 1998, which was more than double the 1997 figure. Enterprise mediation committees resolved 113,000 of these cases. Arbitration committees handled 66,000 cases, some of which had originated before 1998. The courts addressed 3,100 appeals of arbitration decisions. According to the 1999 International Confederation of Free Trade Unions (ICFTU) report, these mediation efforts are often preferential to employers and are largely ineffective in advocating worker rights.

The International Confederation of Free Trade Unions brought a complaint to the ILO against the Government in 1998, alleging the detention of trade unionists and violations of the right to organize. The Government denied the allegations in its official response to the ILO in March. The case is now before the ILO's governing body.

There are no legal provisions allowing for individual workers to affiliate with international labor organizations. However, the ACFTU has cultivated relations with international trade unions. According to the ACFTU, by mid-year it had established exchanges and cooperative relations with over 400 trade unions and international and regional trade organizations in over 130 countries. Over the past year, approximately 50 official ACFTU delegations traveled overseas to meet and study with trade union counterparts.

b. The Right to Organize and Bargain Collectively

The 1995 National Labor Law permits collective bargaining for workers in all types of enterprises. The law also provides for workers and employers in all types of enterprises to sign individual as well as collective contracts. Collective contracts are to be worked out between ACFTU or worker representatives and management and specify such matters as working conditions, wage distribution, and hours of work. Individual contracts are then to be drawn up in line with the terms of the collective contract. Collective contracts must be submitted to local government authorities for approval within 15 days. According to the ACFTU, 72 million workers in over 310,000 enterprises held contracts that were negotiated in this fashion as of June.

The MOLSS uses four methods to set a total wage bill for each collective and state-owned enterprise: 1) as a percentage of profits, 2) as a contract amount with the local labor bureau, 3) as a state-set amount for money losing enterprises, or 4) as an enterprise-set amount subject to Labor Ministry review. Individual enterprises determine how to divide the total among workers, a decision usually made by the enterprise manager in consultation with the enterprise's party secretary and the ACFTU representative. However, in practice only a small number of workers with high technical skills can negotiate effectively on salary and fringe benefits.

Worker congresses, which are held once or twice a year, have been established in over 300,000 enterprises. A number of provincial ACFTU chairmen have called for further strengthening the power of the congresses--particularly on the sale and merger of enterprises. Enterprise employees or their representatives attend voluntarily to examine enterprise policies and reform plans. Participants also are entitled to evaluate and, if necessary, dismiss enterprise managers, although this right has not been realized in practice. Unions, in consultation with management, are supposed to implement resolutions passed by the congresses.

Nonetheless, many worker congresses continue to act largely as rubber stamps for deals predetermined by the manager, union representative, and Communist Party secretary. In smaller enterprises, the same person sometimes holds these three posts.

The Trade Union Law prohibits antiunion discrimination, and specifies that union representatives may not be transferred or terminated by enterprise management during their term of office. Given controls on organized labor activity, instances of reprisals or discriminatory action by management against unions are uncommon.

Laws governing working conditions in special economic zones (SEZ's) are not significantly different from those in the rest of the country. However, wages in the SEZ's and in southeastern China generally are significantly higher than in other parts of the country because high levels of investment have created a great demand for available labor. As in other areas of the country, officials have admitted that some foreign investors in the SEZ's are able to negotiate "sweetheart" deals with local partners that effectively bypass labor regulations. Unionized foreign businesses in the SEZ's report pragmatic relations with ACFTU representatives.

c. Prohibition on Forced or Compulsory Labor

Forced labor is a serious problem, particularly in penal institutions. Some penal facilities contract with regular industries for prisoners to perform manufacturing and assembly work. Others apparently operate their own companies. A 1999 directory of Chinese corporations published by a foreign business-information company listed at least two correctional institutions as having business enterprises. Human rights advocates cited this as evidence that products made with prison labor are being exported. Government regulations bar the export of prison-made goods; however, it has been nearly impossible to verify whether these regulations are enforced effectively. In 1998 there were reports that Adidas World Cup soccer balls were produced for export by prisons in the Shanghai area. A request for investigation of the allegations was made to the Government in October 1998; there has been no response to date.

In 1992 the U.S. and Chinese Governments signed a Memorandum of Understanding (MOU) prohibiting trade in prison labor products. A statement of cooperation (SOC) detailing specific working procedures for implementation of the MOU was signed in

1994. Although the signing of the SOC initially helped foster a more productive relationship between U.S. Customs and Chinese authorities, in recent years the authorities have been uncooperative. The authorities last permitted Customs officials to visit a suspect prison labor facility in 1997, at which time no evidence of prison labor was found. During the year, U.S. Customs unsuccessfully pursued several standing requests to visit eight sites suspected of exporting prison labor products (one of which dated back to 1992, and several dating back to 1994). Customs also renewed requests--some dating back to 1994--for the Ministry of Justice to investigate seven factories and three penal facilities for evidence of prison labor exports. The Ministry of Justice did not respond to any of these requests during the year.

In addition to prisons and reform-through-labor facilities, which hold inmates sentenced through judicial procedures, the Government also maintains a network of reeducation-through-labor camps, to which persons are sentenced, without judicial review, through administrative procedures (see Section 1.d.). Inmates of reeducation-through-labor facilities generally are required to work, and there have been reports that products made in these facilities are exported. The Government has taken the position that the facilities are not prisons and has denied access to them under the 1992 prison labor MOU with the United States. Credible reports from international human rights organizations and the foreign press indicate that some persons in pretrial detention also are required to work. Inmates of custody and repatriation centers, who also have been detained administratively without trial, reportedly are required to perform labor while in detention, often to repay the cost of their detention. Most such inmates perform agricultural labor (see Sections 1.d. and 1.e.).

Most anecdotal reports conclude that work conditions in the penal system's light manufacturing factories are similar to those in other factories, but conditions on the penal system's farms and in mines can be very harsh. As in many workplaces, safety is a low priority. There are no available figures for deaths and injuries in prison industries.

Trafficking in women, and the kidnaping and sale of women and children for forced prostitution, are problems (see Section 6.f.).

The Government prohibits forced and bonded labor by children and generally enforces the prohibition effectively; except for the problem of trafficking in children for forced prostitution (see Section 6.f.) and of child labor in custody and repatriation centers (see Sections 1.d. and 1.e.).

d. Status of Child Labor Practices and Minimum Age for Employment

The National Labor Law specifies that "no employing unit shall be allowed to recruit juveniles under the age of 16," 2 years older than the ILO standard age of 14 years for developing countries. The Labor Law stipulates administrative review, fines, and revocation of business licenses of those businesses that hire minors. The law also provides for children to receive 9 years of compulsory education and for parents or guardians to provide for their subsistence. Laborers between the ages of 16 and 18 are referred to as "juvenile workers," and are prohibited from engaging in certain forms of physical work, including labor in mines.

Neither the ILO nor UNICEF believe that there is a significant child labor problem in the formal sector. Good public awareness, a cheap, abundant supply of legal young adult workers, nearly universal primary schooling, and labor law enforcement all reduce opportunities and incentives for employers to hire child workers. In view of this ample supply of adult laborers, most employers

choose not to risk fines and possible arrest by hiring underage workers. Furthermore, many foreign businesses in more developed areas follow codes of conduct that set standards for labor conditions and provide for independent inspections. Nonetheless, in poorer, isolated areas child labor in agriculture is widespread.

However, scholars believe that child labor problems exist. Rural teenagers, for example, have been attracted increasingly to work in urban factories, since wages there are higher than can be obtained in agricultural areas. Also, some private enterprises, particularly in coal mining, operate far from urban centers, making it difficult for law enforcement officials to ensure that child labor is not employed.

The Government prohibits forced and bonded labor by children, and generally enforces this prohibition effectively, except for trafficking in children for forced prostitution and child labor in custody and repatriation centers (see Sections 1.d. and 1.e., and 6.c.). In 1995 several foreign newspapers reported instances in which forced child labor allegedly was used in the production of Chinese coal, textiles, and fireworks. Evidence currently is lacking to substantiate that such practices continue.

e. Acceptable Conditions of Work

The Labor Law codifies many of the general principles of labor reform, setting out provisions on employment, labor contracts, working hours, wages, skill development and training, social insurance, dispute resolution, legal responsibility, supervision, and inspection. There is no national minimum wage; the Labor Law allows local governments to determine their own standards on minimum wages. In general, minimum wage level determinations are higher than the local minimum standard income but lower than the current wage level of the average worker. Minimum wages are usually sufficient to provide a decent standard of living for a worker and family.

The MOLSS claims to have implemented during the year in over 600 cities a system that ensures disbursement of unemployment benefits to laid-off workers and basic living stipends for the poorest urban residents. It has been estimated that there are approximately 20 million laid off and unemployed workers in the country (see Section 6.a.). Unemployment benefits are set as a percentage of a worker's former salary. Basic living stipends supplement the difference between a poor person's income and the minimum standard income for the city where he lives. Each city government determines the minimum standard income on the basis of local economic conditions. In addition to the stipend, families living on less than the minimum standard income are eligible for subsidized food, medical services, housing, and funds to enable school-age children to complete compulsory education. In September the Government raised both unemployment benefits and basic living stipends by 30 percent, despite numerous reports that some cities had had difficulty providing these benefits and stipends even before the increase. With the increases, the cities with the highest minimum standard incomes were Shenzhen, Guangzhou, Shanghai, and Beijing at \$38 (312 rmb), \$34 (280 rmb), and \$33 (273 rmb) per month, respectively. Poorer, interior cities such as Hohhot (Inner Mongolia) and Nanchang (Jiangxi province) raised minimum standard incomes to \$17 (143 rmb) and \$16 (130 rmb) per month, respectively. However, many workers reportedly are not receiving the benefits they are entitled to, because the state-owned enterprises and the provincial governments are unable to contribute to the funds that pay them (see Section 6.a.). According to statistics published in 1999 by the World Bank, the annual per capita disposable income of Chinese urban residents in 1998 was \$656 (5,379 rmb), an increase of 6 percent in real terms from 1997. The net income of rural residents was \$261 (2,140 rmb), an increase of 4 percent in real terms from the previous year.

However, there were estimates that rural income declined during the year. These income growth rates occurred against a backdrop of 0.8 percent deflation in 1998. World Bank figures for the first three-quarters of 1999 indicated that rural incomes were continuing to increase, but more slowly than urban incomes, widening the already large gap between the living standards of the 800 million peasants and those of urban workers. The ratio between average incomes in coastal provinces and interior provinces has been estimated by Chinese economists to be 12 to 1.

The Government reduced the national standard workweek in 1995 from 44 hours to 40 hours, excluding overtime. The Labor Law mandates a 24-hour rest period weekly and does not allow overtime work in excess of 3 hours a day or 36 hours a month. It also sets forth a required scale of remuneration for overtime work. Enforcement of regulations governing overtime work varies according to region and type of enterprise.

Occupational health and safety remain problems and are frequent themes of campaigns and posters in Chinese enterprises. Poor enforcement of occupational health and safety regulations continues to put workers' lives at risk. Recognizing this, the Government continued during the year to cooperate with the ILO in organizing training programs for enterprises' health and safety officers as well as local government officials. The current work injury insurance system covers only 37 million of the country's 200 million industrial workers. Every work unit must designate a health and safety officer, and the International Labor Organization (ILO) has established a training program for these officials. Nonetheless, there is a high rate of industrial accidents, with most of the accidents occurring in the mining sector. In 1998 the Government called for a concerted effort to improve occupational safety after industrial accidents reached 18,268 in 1997. Statistics released in during the year showed that industrial accidents in 1998 declined 16 percent to 15,372. Deaths stemming from such accidents likewise declined 16 percent to 14,660. This trend continued in 1999. Official figures for the first half of the year revealed that accidents and deaths were down 12 and 14 percent, respectively, compared with the first half of 1998. Less than half of rural enterprises meet national dust and poison standards. Many factories that use harmful products, such as asbestos, not only fail to protect their workers against the ill effects of such products, but also do not inform them about the potential hazards.

The drop in the rate of industrial accidents was largely attributable to a decrease in mine accidents, which perennially have accounted for more than half of all such accidents. Mine accidents declined 24 percent in 1998 to 5,674, while mining deaths fell by 18 percent to 9,221. Accidents and deaths through the first half of 1999 declined 32 percent and 25 percent, respectively, compared with the first half of 1998. The decline was primarily the result of a national drive to close unlicensed mines. In 1998 the Government shut down 8,845 small-sized coal mines, approximately one-third of the illegally operated mines that have been ordered closed by the end of 1999. The purpose of the drive has been two-fold: to reduce mine accidents and to lower the surplus supply of coal, which has driven down coal prices in recent years.

Although the Constitution does not provide for the right to strike, the Trade Union Law explicitly recognizes the right of unions to "suggest that staff and workers withdraw from sites of danger" and participate in accident investigations. However, it is unclear to what extent workers actually can remove themselves from such dangerous situations without risking loss of employment.

f. Trafficking in Persons

Trafficking in persons and the abduction of women for trafficking are a serious problems. The purchase of women was criminalized in 1991, with the enactment of the NPC Standing Committee's "Decision Relating to the Severe Punishment of Criminal Elements Who Abduct and Kidnap Women and Children," which made abduction and sale separate offenses. The 1992 Law on the Protection of Women's Rights and Interests also addressed the issue of trafficking in women. Individuals have been sentenced to death for their involvement in the trade in persons. In March, a man in Sichuan province reportedly was executed for selling women. Although the central Government and various provincial and local governments have attempted to crack down on the sex trade, there have been numerous credible reports in the media of complicity in prostitution by local officials. Thus far, actions to crack down on this lucrative business, which involves organized crime groups and business persons as well as the police and the military, have been largely ineffective.

According to some estimates by experts, there may be 4 to 10 million commercial sex workers in the country, an unknown number of whom may have been trafficked (see Section 5). The increased commercialization of sex and related trafficking in women has trapped thousands of women in a cycle of crime and exploitation, and left them vulnerable to disease and abuse. According to one estimate there are 70,000 prostitutes in Beijing alone. According to the official Xinhua News Agency, one in five massage parlors in China is involved in prostitution, with the percentage higher in cities. Prostitutes can be found at many bars and clubs in urban areas.

Women also are trafficked within or to China for the purpose of forced marriage. Some experts, including the CEDAW Committee, have suggested that the serious imbalance in sex ratios in some regions (see Section 1.f.) has created a situation in which the demand for marriageable women cannot be met by local brides, thus fueling the demand for abducted women. Others have suggested that the problem is exacerbated by the tendency for many village women to leave rural areas to seek employment, and by the tradition that requires that expensive betrothal gifts be given to women. The cost of betrothal gifts may exceed the price of a bride and thus make purchasing a bride more attractive to poor rural families. Some families address the problem of a shortage of women by recruiting women in economically less advanced areas. Others seek help from criminal gangs, which either kidnap women or trick them by promising them jobs and an easier way of life and then transport them far from their home areas for delivery to buyers. Once in their new "family," these women are "married" and raped. Some accept their fate and join the new community; others struggle and are punished. According to reports, many of the kidnappings also occur in provinces, such as Sichuan and Guangxi, where the male to female ratio is generally balanced. The Government has made efforts to combat this practice, but a 1997 report by the U.N. Special Rapporteur on Violence Against Women stated that lenient punishment of traffickers and insufficient efforts to combat the trade contributed to its continued prevalence.

There were reports that women from Burma, Laos, North Korea, Vietnam, and Russia were trafficked into the country either to work in the sex trade or to be forced to marry Chinese men. Border guards reportedly are involved in trafficking in women from the Democratic People's Republic of Korea into China. Some of the women are sold against their will to rural Chinese men who have difficulty finding wives in their home villages. Others end up working as prostitutes. Women reportedly also were trafficked from Vietnam into China for purposes of forced marriage. On June 8, press reports stated that 28 Vietnamese women who had been kidnaped and sold as wives to farmers in Fujian province were rescued by the police. Two Vietnamese who allegedly sold the women for \$845 (7,000 rmb) were also detained.

returned home (see Sections 1.d. and 1.e.).

Chinese women are being trafficked to other countries for work in the sex industry, as well. Reports indicated that Chinese women were trafficked to countries including Malaysia, Burma, Taiwan, Australia, the United States, and Canada; most apparently were from impoverished areas in the northeast. Most trafficked Chinese women in Malaysia are from the coastal areas of Guangdong, Fujian, and Shanghai. One prominent social worker estimates that there are thousands of Chinese women working as prostitutes in Malaysia. Most of these women were trafficked to Malaysia by ethnic Chinese gangs. Most Chinese women trafficked to Australia are reportedly from Shanghai, Hong Kong, and Guangzhou.

Alien smuggling rings also traffic persons from China to other countries, including Canada, Japan, the United States, Italy, and other countries in Europe, to engage in work in domestic service, restaurants, sweatshops, and other businesses. Authorities in Italy report that an estimated 30,000 illegal Chinese immigrants work in sweatshop conditions outside of Florence, with many children working alongside their parents in the production of scarves, purses, and imitations of various brand name products. Alien smuggling rings often have ties to organized crime, and are international in scope. In late December, authorities in the U.S. and Canada began to find persons smuggled from China in shipping containers on cargo ships arriving from Hong Kong. Those trafficked by alien smugglers may pay high prices for their passage to other countries, where they hope that their economic prospects may improve. According to press reports in December, several Chinese were smuggled into the United States in a well-provisioned cargo container. There were reports that the persons in the container may have paid between \$30,000 to \$50,000 (248,000 to 410,000 rmb) each for their passage. Many such persons find themselves working in situations akin to indentured servitude. Upon arrival, many reportedly are forced to repay the traffickers for the smuggling charges by working in specified jobs for a set period of time. They often are forced to pay charges for living expenses out of their meager earnings, as well. The conditions under which these trafficked persons must live and work are generally poor, and they may be required to work long hours. Their movements often are restricted by the smuggling rings that trafficked them, and their travel documents, which are often fraudulent, frequently are confiscated. Victims of trafficking face threats of being turned in to the authorities as illegal immigrants and threats of retaliation against their families at home if they protest the situation in which they find themselves. Many of those trafficked in this manner are from Fujian province.

Trafficked persons who are repatriated may face fines for illegal immigration upon their return; after a second repatriation, persons may be sentenced to a term in a reeducation-through-labor camp. Alien smugglers are fined \$6,000 (50,000 rmb) and may be sentenced to up to 3 years in prison.

Despite government efforts to prevent kidnaping and the buying and selling of children these problems persist in some rural areas. Since December 1998, Chinese authorities have reported an increase in the number of children being trafficked to other countries by alien smugglers for purposes of forced prostitution.

In June the Government convened a conference on migrant trafficking interdiction and deterrence; parts of the conference were later aired on China Central Television.

Tibet

(This section of the report on China has been prepared pursuant to Section 536 (b) of Public Law 103-236. The United States recognizes the Tibet Autonomous Region (TAR)--hereinafter referred to as "Tibet"--to be part of the People's Republic of China. Preservation and development of Tibet's unique religious, cultural, and linguistic heritage and protection of its people's fundamental human rights continue to be of concern.)

Respect for the Integrity of the Person

The Chinese Government strictly controls access to and information about Tibet. Thus, it is difficult to determine accurately the scope of human rights abuses. However, according to credible reports, Chinese government authorities continued to commit serious human rights abuses in Tibet, including instances of torture, arbitrary arrest, detention without public trial, and lengthy detention of Tibetan nationalists for peacefully expressing their political or religious views. Tight controls on religion and on other fundamental freedoms continued and intensified during the year, especially during sensitive anniversaries and occasions. These included the 40th anniversary of the 1959 Tibetan uprising against Chinese rule in March, the June visit of Gyaltzen Norbu, the boy recognized as the Panchen Lama by the Chinese Government, the Dalai Lama's birthday on July 6, the August National Minority Games, and the 50th anniversary of the founding of the Peoples' Republic of China on October 1. There were political protests by Tibetans in a number of ethnic Tibetan areas, including outside of the TAR. According to the Tibet Information Network (TIN), an independent news and research service based in London, political protest by and detention of Tibetans is both increasing and spreading throughout ethnic Tibetan areas, especially in ethnic Tibetan areas outside of the TAR.

Although the authorities permit many traditional religious practices and public manifestations of belief, activities viewed as vehicles for political dissent are not tolerated and are promptly and forcibly suppressed. The security clampdown throughout China is being felt in Tibet, and Tibetan Buddhism came under increasing attack. Individuals accused of political activism faced ongoing and serious persecution during the year. The Government continued its campaign to discredit the Dalai Lama and to limit the power of religious persons and secular leaders sympathetic to him. The "patriotic education" of monks and nuns continued to be an important part of the campaign, which in the last 2 years was extended throughout Tibet and to monasteries outside of the TAR. Although some reports suggest a winding down of patriotic education activities throughout the region as the objectives of increasing control over the monasteries and reducing the numbers of monks and nuns were achieved, religious activities in many monasteries have been disrupted severely and monks and nuns have fled to India to escape the campaigns. The ban on the public display of photographs of the Dalai Lama continued, and such pictures were not readily available in many parts of the TAR. There were reports of imprisonment and torture or abuse of monks and nuns accused of political activism, the death of prisoners, and the closure of several monasteries.

While there was limited political violence in Tibet during the year, several political protesters were beaten severely by security forces. According to many credible reports, one protester, Tashi Tsering, who attempted to raise the outlawed Tibetan flag with explosives tied around his waist during the National Minority Games in August, is still in the hospital because of severe head injuries received during a brutal public beating by security forces. An unconfirmed report has claimed that he, in fact, died from his injuries. A teenage monk who shouted proindependence slogans during rehearsal ceremonies for the Games also was subjected to a prolonged beating in front of hundreds of spectators. Foreigners, including international NGO personnel and foreign residents of Tibet, all were subject

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to more restrictions on travel in Tibet than in 1998, in part due to authorities' concerns over sensitive anniversary dates. During several periods over the summer tourists were subjected to forced searches. The Government also placed restrictions on the movement of Tibetans during sensitive anniversaries and events. There was a notable increase in the number of security forces in and around Lhasa, especially during the summer. The Government tightly controls official visits, and delegation members usually have very few opportunities to meet local Tibetans not previously approved by the local authorities.

There also were numerous reports of detentions and other punishments meted out during the year. International human rights organizations reported that on March 10, security personnel in Lhasa detained two monks after they demonstrated in Barkhor Square on the anniversary of the 1959 Tibetan uprising against Chinese rule; TIN reported that 80 persons were detained in Tibet prior to this anniversary. In July the two monks, Phuntsok Legmon, age 16, and Namdrol, age 21, were sentenced to 3 and 4 years in prison, respectively, as well as to periods of deprivation of political rights. There also were reports that the Jokhang Temple, the most sacred Buddhist site in Tibet, was briefly closed prior to March 10. In August a small group of monks and nuns reportedly shouted proindependence slogans in a stadium during a cultural performance held in conjunction with the National Minority Games; police ran through the crowd in an attempt to detain them. According to unconfirmed reports, the group's members eventually were detained by the authorities. Three monks were detained on October 1 after a peaceful protest near the Potala palace in Lhasa. Tibetans in Lhasa reportedly were threatened with a cut in their pay or pensions if they refused to take part in rehearsals for the October 1 National Day celebrations; Lhasa residents also were required to put up national flags at their homes to mark the occasion.

On July 16, a group of three foreigners was detained in Lhasa for having burned a Chinese flag in their hotel room and having committed other acts of disrespect towards the flag. The men were detained after having taken film with photographs of these events to be developed in a local film shop. They were detained by Public Security Bureau officials without charge at Lhasa's Gutsa detention center for periods ranging from 10 to 15 days. Upon release, the men were expelled from the country.

Agya Rinpoche, former abbot of Kumbum monastery in Qinghai province, senior Tibetan religious figure, and an official at the deputy minister level, left China in November 1998 due to differences with the Chinese authorities over religious policies. Among reported reasons for his departure were increased government pressure on Kumbum monastery, including the stationing of 45 government or party officials and the imposition of patriotic reeducation, and a heightened role demanded of him by the Government in its campaign to legitimize Gyaltzen Norbu, the boy recognized by the Chinese leadership as the 11th Panchen Lama. In January authorities announced the launch of a 3-year drive to promote atheism and science, primarily directed at government workers, saying such an effort was needed to promote economic progress, strengthen the struggle against separatism, and stem "the Dalai clique's reactionary infiltration."

Legal safeguards for ethnic Tibetans detained or imprisoned are the same as those in the rest of China and are inadequate in design and implementation. According to information gathered by TIN, the average judicial sentence currently being served is 7.3 years in Tibet compared with 5.7 years for the overall average since 1987. TIN reports the average administrative sentence (for less than 15 persons) at 2.3 years. Lack of independent access to prisoners or prisons makes it difficult to assess the extent and severity of abuses and the number of Tibetan prisoners. A majority of judges are ethnic Tibetans, but most have little or no legal training, a problem authorities are working to address through increased legal education opportunities. Trials are brief and closed. Courts handle approximately 20 cases involving crimes against state security each year, for which maximum prison sentences are 15 years

for each count, not to exceed twenty years in total. Such cases mainly concern actions in support of Tibetan independence and do not have to be violent to be illegal. A TIN report put the number of political prisoners in Tibet at 500 as of the end of the year. TIN reports that in Tibet, 80 percent of female detainees are nuns and approximately 66 percent male prisoners are monks. The warden of Drapchi prison in Lhasa told a delegation of foreign religious leaders in February 1998 that there were 100 monks and nuns there, of whom 90 percent were incarcerated for "crimes against national security." There are reports that the rate at which Tibetan political prisoners are dying in detention or soon after their release, demonstrably as a result of treatment while in detention, is increasing. According to TIN, female political prisoners, particularly those held at Lhasa's Drapchi prison, are at the greatest risk; since 1987 1 in 22 died while in prison or soon after being released. TIN reports that it confirmed six deaths in 1998 compared with two deaths in the period from 1987 to 1997. Drapchi's male political prisoners have died at a rate of about 1 in 37 since 1987. Overall, TIN reports a death rate of 1 in 48 for Tibetan political prisoners as of the end of the year. A 21-year-old monk, Legshe Tsoglam, imprisoned in early April after refusing to cooperate with a patriotic education campaign at Nalanda monastery near Lhasa, was beaten severely while in Lhasa's Gutsa detention center and died on April 12, just days after his release, according to TIN. Another monk in his twenties, Ngawang Jinpa from Ganden monastery, died in May, 2 months after his release from Drapchi prison, where he had served a 4-year term for political activities, according to TIN. A 22-year-old monk from Nalanda monastery, Norbu died in February. During his year-long detention in Gutsa, in 1995 and 1996, he sustained damage to his kidneys from severe beatings, according to TIN. TIN also reported that Lobsang Tenzin, a 33-year-old former student who was arrested with Sonam Wangdu, is now in very poor health and unable to walk after repeated beatings in the high security Powo Tramo prison in remote Pome county. Sonam Wangdu reportedly died in March as a result of torture. Lobsang Choephel, a monk from Khangmar monastery, reportedly died in detention in May 1998. There have been credible reports that after the early May 1998 protests at Drapchi prison, six nuns, at least three monks, and another person died as a result of beatings received during the disturbances; one prisoner, Ngawang Sungrab, reportedly was shot in the abdomen by prison guards during the protest. His condition is unknown.

Ngawang Choephel, a Tibetan ethnomusicologist sentenced in 1996 to 18 years in prison on charges of espionage, was moved in 1998 from a detention center in Shigatse to the high security Powo Tramo prison, after the failure of his appeal of his sentence. In response to numerous inquiries by foreign officials, the Government acknowledged that Ngawang Choephel had developed symptoms of bronchitis, pulmonary infection, and hepatitis. His mother's repeated requests to be allowed to travel from India to China to visit him continue to go unanswered by the authorities, despite provisions in the law that allow for prisoner visits.

According to credible reports, Chadrel Rinpoche, who was accused of betraying state secrets while helping the Dalai Lama choose the 11th reincarnation of the Panchen Lama, has been held in a secret compound of a Sichuan prison where he is separated from other prisoners, denied all outside contacts, and restricted to his cell, since his 1997 sentence to 6 years' imprisonment after a trial that was closed to the public. There are many credible reports that prisoners are tortured and mistreated. Authorities use electric shocks, suspension in painful positions, and other forms of torture or abuse.

Several groups also reported mistreatment and beatings of nuns in prison, including 23-year-old Ngawang Sangdrol, who was imprisoned at age 13, released 9 months later and resentenced at age 15; her prison sentence extended for a third time in late 1998 to a total of 21 years for her involvement in demonstrations, most recently during May 1998. Sangdrol reportedly has been beaten badly on several occasions because of repeated participation in protests at Drapchi prison; her health is reportedly poor. Six other

prisoners also had their sentences extended for periods of 3 to 4 years as a result of the May 1998 protests. Namgyal Tashi, the elderly father of Ngawang Sangdrol, was to have been released from prison in June; however, friends and family have not heard from him since 1998. There are credible reports from a number of prisons that political prisoners who resisted political reeducation imposed by prison authorities, particularly demands to denounce the Dalai Lama and accept Gyaltzen Norbu, the boy recognized by the Government as the Panchen Lama, also were beaten. There were credible reports that guards beat political prisoners at Drapchi prison after the protests in May 1998; some were beaten severely, including monk Thubten Kalsang and nun Phuntsog Nyidrol (who reportedly tried to shield Ngawang Sangdrol from beatings). In at least one cell block, prisoners reportedly were confined to their cells for 14 months after the incidents in May 1998. According to TIN, punishments meted out to uncooperative prisoner leaders have resulted in hunger strikes among female prisoners on at least two occasions at Drapchi. In March TIN reported clampdowns in prisons following the anniversary of the Dalai Lama's flight into exile. According to TIN, officials are resorting to lengthening periods of solitary confinement to isolate demonstrators. TIN reports one case of two nuns who were still in solitary confinement in mid-1998 after having demonstrated in February 1997.

In February TIN and the foreign press reported increased use of military-style drills and exercises at Lhasa's Drapchi prison in an effort to increase discipline among prisoners, who were forced to run barefoot, stand motionless for extended periods, or march while shouting patriotic slogans. Prisoners who fell behind were beaten severely. Prisoners also were treated badly in other prisons. TIN reported that Gyaye Phuntsog, a 68-year-old monk from Qinghai province, may have been deprived of food and sleep for several days during his interrogation, prior to his release on medical parole during the summer. Several sources report that he is now unable to walk without the use of crutches. There were also reports that two Lhasa prisons, Drapchi and Utritru, recently have grown to include new cellblocks and industrial and agricultural facilities. Among the facilities reportedly added to Drapchi prison was a cement factory.

Promotion of family planning remains an important goal for the authorities in Tibet, but family planning policies permit ethnic Tibetans, as well as other minority groups, to have more children than Han Chinese. Urban Tibetans are permitted to have two children, those in rural areas often have three or more, although according to a TIN report, in several rural counties a two child limit is being applied. In practice, Tibetans working for the Government, especially Communist Party members, are pressured to limit themselves to one child.

In September, the Gyatso Children's Home, an orphanage that housed more than 60 Tibetan children in Lhasa, was closed by local authorities, who alleged that the home's personnel were engaged in corrupt activity and had links to Tashi Tsering, who attempted to raise the outlawed Tibetan flag with explosives tied around his waist during the National Minority Games in Lhasa in August. The managers of the facility and the entire staff were arrested. The children, ranging in age from 1 to 14, reportedly either were returned to their home prefectures, turned out into the streets, or placed in a local orphanage where conditions were reportedly extremely poor.

Freedom of Religion

The Government maintains tight controls on religious practices and places of worship. While it allows a number of forms of religious activity in Tibet, it does not tolerate religious manifestations that advocate Tibetan independence or any expression of separatism,

which it describes as "splittism." The Government harshly criticizes the Dalai Lama's political activities and leadership of a government-in-exile. The official press continued to criticize vehemently the "Dalai clique" and, in an attempt to undermine the credibility of his religious authority, repeatedly described the Dalai Lama as a separatist who was determined to split China. Both central government and local officials often insist that dialog with the Dalai Lama is essentially impossible and claim that his actions belie his repeated public assurances that he does not advocate independence for Tibet. Nonetheless, the Government asserts that it is willing to hold talks with the Dalai Lama as long as he ceases his activities to divide the country and recognizes that Tibet and Taiwan are inseparable parts of China's territory. During June 1998, both President Jiang Zemin and the Dalai Lama expressed readiness for dialog; however, the Government later rebuffed efforts by the Dalai Lama to begin such a dialog.

Most Tibetans practice Buddhism to some degree. This holds true for many ethnic Tibetan government officials and Communist Party members. Some 1,000 religious figures hold positions in local people's congresses and committees of the Chinese People's Political Consultative Conference. However, the Government continues to insist that party members and government employees adhere to the Party's code of atheism. In January a drive to promote atheism and science was announced that, according to official sources, was directed primarily toward raising the level of science and technology among government workers. According to credible reports, there have been instances in which Chinese authorities threatened to terminate Tibetan government employees whose children are studying in India (where the Dalai Lama's government-in-exile is located) if they did not bring the children back to Tibet, and in which authorities searched the homes of government workers for religious objects or pictures of the Dalai Lama.

Buddhist monasteries and proindependence activism are associated closely in Tibet. The Government continued its patriotic education campaigns begun in 1996, with more focus on Tibetan areas outside of the TAR. The campaigns, which largely have been unsuccessful in changing Tibetans' attitudes, are aimed at controlling the monasteries and expelling sympathizers of Tibetan independence and supporters of the Dalai Lama. According to regulations posted at the entrances of many monasteries, monks are required to be "patriotic" and sign a declaration agreeing to reject independence for Tibet; reject the boy recognized by the Dalai Lama as the 11th reincarnation of the Panchen Lama; reject and denounce the Dalai Lama; recognize the unity of China and Tibet; and not listen to the Voice of America. According to some reports, monks who refused to sign were expelled from their monasteries; others have been detained. Resistance to the campaigns has been intense, and the Government's efforts are resented deeply. According to the U.N. High Commissioner for Refugees, 2,905 Tibetans left Tibet during the year. TIN reports that over one-third included "patriotic reeducation" and its consequences among their reasons for leaving.

In January TIN reported that two major religious sites effectively had been closed as a result of the "patriotic education campaigns" of 1997 and 1998. Monks at the Jonang Kumbum monastery in Shigatse and nuns at the Rakhor nunnery near Lhasa reportedly were dispersed in 1998 after they refused to accept conditions laid out by the Government's patriotic education teams, including renouncing the Dalai Lama and Gendun Choekyi Nyima, the boy recognized by the Dalai Lama as the Panchen Lama. The Rakhor nunnery reportedly has been destroyed. Approximately 3,000 Tibetans enter Nepal each year, according to the U.N. High Commissioner for Refugees. In November 1998, Chinese police shot and killed a 15-year-old boy attempting to leave Tibet to become a monk in India, according to TIN. Also in the fall of 1998, at least two Tibetan girls were raped by a group of ethnic Han and Tibetan police after they were caught trying to cross the border with the aims of studying at Tibetan schools in India and becoming nuns, according to TIN.

According to information gathered in an interview by a foreign official, 15-year-old Sonam Palden and 17-year-old Sonam Tsering attempted to leave Tibet in October 1998 to pursue religious teaching in India. At the border, Chinese border guards killed Sonam Tsering and shot and injured Sonam Palden. During subsequent incarceration in Namri prison in Shigatse, Sonam Palden was held in solitary confinement, beaten, and denied adequate medical treatment. Following his release because of his medical condition, Sonam Palden left Tibet in November.

TIN reported that authorities imposed harsh measures to ban the celebration of the Dalai Lama's birthday on July 6, and that security forces beat several Tibetans who attempted to carry out traditional celebration activities. The ban on the public display of photographs of the Dalai Lama continued, and such pictures were not readily available in many parts of the TAR. These restrictions are enforced less strictly in Tibetan areas outside of the TAR, where pictures of the Dalai Lama are displayed at many monasteries. Portraits of the boy recognized by the Government to be the Panchen Lama, Gyaltzen Norbu, were on prominent display in some monasteries, but the Government still banned pictures of Gendun Choekyi Nyima, the boy recognized by the Dalai Lama as the Panchen Lama.

Nonetheless, there were numerous arrests of monks charged with distributing or possessing pictures of the Dalai Lama or with having links to exile groups; some of these reports came from areas outside of the TAR. In a Tibetan area of Sichuan province, at least five monks were arrested over the summer and fall for engaging in such activities. Two monks in Qinghai province were arrested in April for distributing the Dalai Lama's picture, according to a human rights group. The TIN reported in January that at least five Buddhist monks and two lay persons were arrested in November and December 1998 at the Kirti monastery in Amdo, an ethnically Tibetan area outside of the TAR, following a "patriotic education" campaign being carried out at the monastery. The monks were required to accept conditions that included a ban on pictures of the Dalai Lama and the Kirti Rinpoche (head of the monastery, now resident in India), accept that the Dalai Lama represented a separatist movement, hand over copies of the Dalai Lama's speeches and writings to the authorities, and renounce Gendun Choekyi Nyima, the boy recognized by the Dalai Lama as the Panchen Lama. Those detained reportedly were suspected of organizing displays of pictures of the Dalai Lama and boycotts of the "patriotic education" campaign. Many monks have fled Tibet in recent years to avoid persecution for their religious and political beliefs.

Chinese officials state that the TAR has more than 46,380 Buddhist monks and nuns and approximately 1,790 monasteries, temples, and religious sites. There are proportionate numbers of monks and nuns in other Tibetan areas of China. Officials stated that these figures have remained stable over the last 3 years because monasteries are not able to support higher numbers of monks. However, the Government has moved to curb the proliferation of Tibetan Buddhist monasteries, which it charges are a drain on local resources and a conduit for political infiltration by the Tibetan exile community. The Government generally imposes strict limits on the number of monks in major monasteries, and has the right to disapprove any individual's application to take up religious orders, although these restrictions are not always enforced. The number of monks at Ragya monastery reportedly decreased from 500 to 250 in 1998. There have been reports that other monasteries also have been required to decrease the number of monks associated with them.

The Government continues to oversee the daily operations of major monasteries. Although the Government generally contributes only a small percentage of the monasteries' operational funds, it retains management control of the monasteries through the

government-controlled democratic management committees and the local religious affairs bureaus. In April 1996, regulations restricted leadership of management committees of monasteries to "patriotic and devoted" monks and nuns and specified that the Government must approve all members of the committees. Despite these government efforts to control monasteries, antigovernment sentiment remains strong.

The Government continued to insist that Gyaltzen Norbu, the boy it recognizes and enthroned in 1995 is the reincarnation of the Panchen Lama. The Panchen Lama is Tibetan Buddhism's second highest figure, after the Dalai Lama. Since then Gyaltzen Norbu visited Tibet in June for the first time in 3 years, holding audiences for both monks and lay persons who were ordered by their work units to attend. Security surrounding the visit was extremely tight. The boy's return to Tibet received extensive coverage in the media, where he was quoted as telling believers to "love the Communist Party of China, love our Socialist motherland, and love the religion we believe in." Norbu also appeared publicly in Beijing to mark the 50th anniversary of the founding of the People's Republic of China. At all other times he was held incommunicado by Chinese authorities. Meanwhile, the Government continued to detain Gendun Choekyi Nyima, the boy recognized by the Dalai Lama as the Panchen Lama. The boy's family also was detained. Repeated requests by high-level foreign government and private delegations, including the U.N. High Commissioner for Human Rights, for access to the boy have been denied. The Government maintains that Nyima has been placed under government protection for his own safety. The authorities also maintain that both boys are being well cared for and are receiving a good education. The Government denied press reports in November that Gendun Choekyi Nyima died and was cremated secretly; however, the Government continues to refuse international observers the access necessary to confirm his well-being. The majority of Tibetan Buddhists recognize Gendun Choekyi Nyima, recognized by the Dalai Lama as the Panchen Lama; refugee monks told a foreign official that they believe that virtually all Tibetans hold this view. Tibetan monks have claimed that they were forced to sign statements pledging allegiance to the boy that the Government selected as the reincarnation of the Panchen Lama. The Party also urged its members to support the "official" Panchen Lama, and the Propaganda Department of the Communist Party committees at both the regional and city levels had pictures of the boy printed for use in public and private religious displays.

The Government continued to contribute significant funds towards the restoration of Buddhist sites, many of which were destroyed during the Cultural Revolution, in part to promote the development of tourism in Tibet. Many other restoration efforts are funded privately. The monasteries continue to house and train young monks. Although by law monks are prohibited from joining a monastery prior to the age of 18. In fact, many younger boys join monasteries. In late December, the 14-year-old Karmapa Lama left Tibet secretly, reportedly to seek religious teaching in India. Shortly after his departure, the monastery was raided and two persons were arrested.

While officials state that there is no Falun Gong activity in the TAR, reports indicated that there are small numbers of practitioners of Falun Gong present in the region, among the ethnic Han population. A few reportedly were detained after the Falun Gong was banned in July (see Section 2.c.).

In June 1998, the European Union issued a report based on the trip of its ambassadorial delegation to Tibet in early May. The report was highly critical of the Government's control of religious freedom and stated that "the delegation was in no doubt that the authorities in the TAR exercise extremely tight control over the principal elements of Tibetan religion and culture."

Economic Development and Protection of Cultural Heritage

Tibetans, as one of China's 55 other minority ethnic groups, receive preferential treatment in marriage and family planning policies, and, to a lesser extent, in university admissions, and in government employment. According to official government statistics, 74 percent of all government employees in Tibet are ethnic Tibetans. Nonetheless, many positions of real power are held by ethnic Han, and most key decisions in Tibet are made by Chinese. Although government regulations stipulate that government and legal documents are to be in Tibetan, in practice written communications by officials and government documents very frequently are in Chinese. In the area of private sector employment, discrimination against Tibetans is widespread.

The central government and other provinces of China heavily subsidize the Tibetan economy, which has grown by an average annual rate of over 10 percent for the last decade. Over 90 percent of Tibet's budget income comes from outside sources. Tibet also benefits from a wide variety of favorable economic and tax policies. However, these policies have attracted growing numbers of ethnic Han and Hui (Muslim) immigrants from other parts of China, who are competing with--and in some cases displacing--Tibetan enterprises and labor. Government development policies have helped raise the economic living standards of ethnic Tibetans, particularly in the areas of health care, education, and transportation, but many benefits of development accrue primarily to Han Chinese. For example, in many areas of Lhasa, almost all small businesses are run by Han. Rapid economic growth, the expanding tourism industry, and the introduction of more modern cultural influences also have disrupted traditional living patterns and customs, causing environmental problems and threatening traditional Tibetan culture.

Prostitution increasingly is a problem in Tibet, as it is elsewhere in the country, according to experts working in the region. Hundreds of brothels operate openly in Lhasa; up to 10,000 commercial sex workers may be employed in Lhasa alone. Much of the prostitution occurs in sites owned by the Party or the Government, under military protection. Many brothels reportedly are located near military bases and religious and cultural sites. Most prostitutes in Tibet are ethnic Han women, mainly from Sichuan, but a few are reportedly Tibetan. The incidence of HIV among prostitutes in Tibet is unknown, but is believed to be relatively high.

Illiteracy and semi-literacy levels are high. According to official Government statistics, the 1998 illiteracy rate for Tibetans age 15 and over was approximately 60 percent, and in some areas was considerably higher. Chinese officials over the past few years have downgraded the use of Tibetan in education and in 1997 announced that they would begin teaching Chinese to Tibetan children starting in the first grade. The Government stated that this step was taken in order to make Tibetan children more competitive with their Han counterparts, and provide more educational and employment opportunities in the long run. Primary schools at the village level follow a Tibetan curriculum, but these schools usually have only two or three grades.

Approximately 81 percent of eligible children attend primary school, but most pupils end their formal education after graduating from village schools. According to local education officials, Tibetan is the main language of instruction in 60 percent of middle schools, especially in more remote areas, although there are special classes offering instruction in Chinese. NGO's maintain that this figure is high. Most, but not all, of the students in the Chinese classes are ethnic Han. Most of those who attend regional high schools continue to receive some of their education in Tibetan, but knowledge of Chinese is essential as most classes are in Chinese. Tibetan curriculum high schools exist in a few areas, primarily in Tibetan areas outside the TAR. Since the mid-1980's, the Government has allocated funds to enable Tibetan secondary students to study in schools elsewhere in China. According to

government figures, there are 13,000 Tibetan students currently studying in some 100 schools in different parts of China. Knowledge of Chinese is usually necessary to receive a higher education, although some minority colleges allow for study in Tibetan.

Tibet University is a small institution with 1,300 students established to train Tibetan teachers for the local educational system. Ethnic Tibetans resent disproportionate Han representation in the student body and faculty. Tibetans, officially said to constitute approximately 95 percent of the region's population, make up only 80 percent of Tibet University's student body, and 30 percent of all university faculty in the Tibet Autonomous Region. Although Tibetans are given admission preferences, Han Chinese students frequently gain admission because they score higher on admission exams due to stronger Chinese-language skills and educational backgrounds. Authorities reportedly require professors, particularly those from Tibet University's Tibetan Language Department, which is viewed as a potential source of dissent, to attend political education sessions and limit course studies and materials in an effort to prevent "separatist" political and religious activity on campus. Many ancient or religious texts are banned from the curriculum for political reasons. The Tibetan Language Department, which was closed to new students in the fall of 1997, was reopened in 1998 after its curriculum had been purged of religious and "separatist" materials.

In October, the official news agency Xinhua reported that the Tibet Autonomous Regional Television opened a Tibetan language satellite television channel on October 1. The channel broadcasts in Tibetan for 10 hours each day, and reaches areas in Sichuan, Qinghai, Gansu, and Yunnan provinces as well. There also are two bilingual channels, on which Tibetan language programs make up 15 percent of the total.

The Internet has been open to the public since April. At year's end, Lhasa had several Internet cafes and estimates put the number of Internet users at 900.

The Dalai Lama, Tibetan experts, and others have expressed concern that development projects and other central Government policies adopted at a 1994 national work conference on Tibet encourage a massive influx of Han Chinese into Tibet, which has the effect of overwhelming Tibet's traditional culture and diluting Tibetan demographic dominance. In recent years in Lhasa and other urban areas, freer movement of persons throughout China, government-sponsored development, and the prospect of economic opportunity in Tibet have led to a substantial increase in the non-Tibetan population (including China's Muslim Hui minority as well as Han Chinese) in Lhasa and other urban areas. An increased number of immigrants from China's large transient population seek to take advantage of these new economic opportunities. Most of these migrants profess to be temporary residents, but small businesses run by ethnic Han and Hui citizens (mostly restaurants and retail shops) are becoming more numerous in almost all Tibetan towns and cities.

In Lhasa, the Chinese cultural presence is obvious and widespread. Buildings are of Chinese architectural style, the Chinese language is widely spoken, and Chinese characters are used in most commercial and official communications. Some observers have estimated that about one-half of the population in the city is Han Chinese; elsewhere, the Han percentage of the population is significantly lower. In rural areas, the Han presence is often negligible. Chinese officials assert that 95 percent of Tibet's officially registered population is Tibetan, with Han and other ethnic groups making up the remaining 5 percent. This figure does not include the large number of "temporary" Han residents, including military and paramilitary troops and their dependents, many of whom have

China's economic development policies, fueled in Tibet by central government subsidies, are modernizing parts of Tibetan society and changing traditional Tibetan ways of life. Although the Government has made efforts in recent years to restore some of the physical structures and other aspects of Tibetan Buddhism and Tibetan culture damaged or destroyed during the Cultural Revolution, repressive social and political controls continue to limit the fundamental freedoms of ethnic Tibetans and risk undermining Tibet's unique cultural, religious, and linguistic heritage.

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