



## China (includes Hong Kong and Macau)

### Country Reports on Human Rights Practices - [2000](#)

Released by the Bureau of Democracy, Human Rights, and Labor

February 23, 2001

(Note: Also see the report for [Hong Kong](#) and the report for [Macau](#).)

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 organized 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, media, and the security apparatus, and the continued improvement in the living standards of most of the country's almost 1.3 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 the Party and the Government direct verdicts in many high-profile political cases.

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.

The country is making a gradual transition from a centrally planned to a market-based economy. Although state-owned industry remains dominant in key sectors, the Government has privatized many small and medium state-owned enterprises (SOE's) and allowed private entrepreneurs increasing scope for economic activity. The country has large industrial and agricultural sectors and is a leading producer of coal, steel, textiles, and grains. Major exports include electronic goods, toys, apparel, and plastics. Trade and foreign investment are helping to modernize an already rapidly growing economy. The official gross domestic product (GDP) growth rate through the third quarter of the year was just over 8 percent--a decrease from the double-digit growth rates of the early 1990's, but slightly above the 1999 figure. Increased growth during the year was largely the result of foreign trade, continued heavy infrastructure investment, and a small increase in domestic demand.

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 persons have left their homes in rural areas in search of better jobs and living conditions in the cities; 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, continued downsizing in state-owned enterprises prompted 2 million layoffs in the first half of the year, bringing the total number of jobless urban residents to over 20 million in an urban workforce of about 240 million. The number of job-seeking migrant workers from rural areas adds significantly to this total. Industrial workers throughout the country continued to organize sporadically to protest layoffs and to demand the payment of overdue wages and benefits. However, rising living standards, greater independence for entrepreneurs, and the expansion of the nonstate sector have increased workers' employment options and have markedly reduced state control over citizens' daily lives. In 1999 a constitutional amendment officially recognized the role of the private sector in the economy, and private firms now contribute 30 to 40 percent of yearly GDP growth. The total number of citizens living in absolute poverty continues to decline; estimates

range from the official figure of 42 million to the World Bank figure of 150 million. However, the income gap between coastal and interior regions, and between urban and rural areas, is wide and growing. Urban per capita income for 1999 was \$705 (an increase of 8 percent over the previous year), but rural per capita income was \$266 (an increase of only 2 percent over the previous year).

The Government's poor human rights record worsened, and it continued to commit numerous serious abuses. The Government intensified crackdowns on religion and in Tibet, intensified its harsh treatment of political dissent, and suppressed any person or group perceived to threaten the Government. However, despite these efforts, many Chinese had more individual choice, greater access to information, and expanded economic opportunity. Nonetheless by year's end, thousands of unregistered religious institutions either had been either closed or destroyed, hundreds of Falun Gong leaders had been imprisoned, and thousands of Falun Gong practitioners remained in detention or were sentenced to reeducation-through-labor camps or incarcerated in mental institutions. Various sources report that approximately 100 or more Falun Gong practitioners died as a result of torture and mistreatment in custody. Controls on religious practice and freedom of expression also were intensified in Tibet and remained tight in Xinjiang. Only a handful of political dissidents remained active publicly. The Government's respect for religious freedom deteriorated markedly during the year, as the Government conducted crackdowns against underground Christian groups and Tibetan Buddhists and destroyed many houses of worship. The Government significantly intensified its campaign against the Falun Gong movement, which it accused in October of being a reactionary organization, as well as against "cults" in general. A number of qigong groups were banned. 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, the use of torture, forced confessions, arbitrary arrest and detention, the mistreatment of prisoners, lengthy incommunicado detention, and denial of due process. In May the U.N. Committee Against Torture issued a report critical of continuing serious incidents of torture, especially involving national minorities. 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 citizen's privacy rights. The Government maintained tight restrictions on freedom of speech and of the press and increased its efforts to control the Internet; self-censorship by journalists continued. 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. Citizens do not have the right peacefully to change their Government. The Government does not permit independent domestic nongovernmental organizations (NGO's) 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. Particularly serious human rights abuses persisted in Tibet and Xinjiang. The Government continued to restrict tightly worker rights, and forced labor in prison facilities remained a serious problem. Child labor exists and appears to be a growing problem in rural areas as adult workers leave for better employment opportunities in urban areas. Trafficking in persons is a serious problem.

Since December 1998, the authorities severely punished, on charges of subversion, at least 25 core leaders of the China Democracy Party (CDP). During the year, the crackdown on the China Democratic Party continued with the arrest or sentencing of Liu Shizun, Dai Xuezhong, Zhu Zhengming, Chen Zhonghe, Xiao Shichang, Li Guotao and others. During the year, the Government also used laws against subversion and endangering state security to threaten, arrest and imprison a wide range of political dissidents and activists, including former Government officials, nongovernmental organization (NGO) founders and activists, activists for artistic freedom, and independent advocates for legal reform.

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; leaders of unregistered religious groups; journalists; authors; intellectuals; labor leaders; and members of the Falun Gong movement, among others. 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 carried out a severe and wide-ranging crackdown on Tibetan religious practices, which showed some signs of moderation at year's end, and continued its "patriotic education campaign" aimed at controlling the monasteries and expelling supporters of the Dalai Lama. In Xinjiang authorities maintained tight restrictions on fundamental freedoms in an effort to control independence groups.

The authorities released a few political prisoners before their terms were over, notably Liu Wensheng, Chen

Lantao, Li Wangyang, Zhang Jingsheng, Yu Zhijian, and Lin Hai. However, at year's end several thousand others—including Bishop An Shuxin, Chen Longde, Han Chunsheng, Li Bifeng, Liu Jingsheng, Qin Yongmin, Shen Liangqing, Zha Jianguo, Wang Youcai, Pastor Xu Yongze, Fang Jue, Xu Wenli, Yang Qinheng, Zhang Lin, Zhang Shanguang, Zhao Changqing, Zhou Yongjun, 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 were kept under surveillance and prevented from taking employment or otherwise resuming normal lives. There were also reports of the increasing surveillance of dissidents.

Unapproved religious groups, including Protestant and Catholic groups and members of nontraditional religious 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; many houses of worship also were destroyed. In November and December, authorities in and around the coastal city of Wenzhou, Zhejiang Province, razed or confiscated hundreds of churches or places of worship. At year's end, some religious adherents remained in prison because of their religious activities. House church groups in the northeast reported more detentions and arrests than in recent years, and authorities in Henan cracked down on underground Protestant churches. Several Protestant house church groups were banned. In many regions with high concentrations of Catholics, relations between the Government and the underground church loyal to the Vatican remained tense. In other regions, registered and unregistered churches were treated similarly by the authorities and reported little or no day-to-day interference in their activities. The number of religious adherents in many churches, both registered and unregistered, continued to grow at a rapid pace. The situation in Tibet was particularly poor, as the Government intensified and expanded its campaign aimed at lamas, monks, and nuns with sympathies to the Dalai Lama.

The Government strictly regulates the establishment and management of publications, controls the broadcast media, censors foreign television broadcasts, and at times jams radio signals from abroad. During the year, several publications were shut down or disciplined for publishing material deemed objectionable by the Government, and journalists, authors, and researchers were harassed, detained, and arrested by the authorities. Despite the continued expansion of the Internet in the country, the Government increased its efforts to monitor and control content on the Internet. Several new regulations regarding the Internet were issued, and many web sites, including politically sensitive web sites and foreign news web sites, were shut down or blocked by the authorities.

During the year, the Government worked to make progress towards correcting systemic weaknesses in the judicial system and making the system more accountable to public scrutiny. New regulations aimed at making the Supreme People's Court and the Procuratorate and the police more professional and accountable went into effect. Senior officials openly acknowledged abuses such as using torture to extort confessions and admitted that extorting favors from suspects and nepotism remained serious problems. However, new regulations and policies passed in the past few years have not brought the country's criminal procedures into full compliance with international standards, and the law routinely is violated in the cases of political dissidents and religious leaders and adherents. The judiciary is not independent.

Despite intensified suppression of organized dissent, some positive trends continued. Social groups with economic resources at their disposal continued to play an increasing role in community life. As many as 15 million persons had access to the Internet at year's end, although the Government increased its attempts 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, the authorities were quick to suppress any person or group, whether religious, political, or social, that they 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 extrajudicial killings, but no nationwide statistics are available. During the year, deaths in custody due to police use of torture to coerce confessions from criminal suspects continued to be a problem. For example, in Xinjiang Abduhelil Abdumijit was tortured to death in custody, according to foreign press reports. The deaths in custody of Falun Gong practitioners were a significant new development. Various sources report that approximately 100 or more Falun Gong adherents died during the year in police custody; many of their bodies reportedly bore signs of severe beatings or torture, or were cremated before relatives could examine them (see Section 1.c.). For example, in March Zhang Zhenggang was detained by police in Jiangsu and beaten into a coma. Zhang died 5 days later, and family members were not allowed to examine his body prior to cremation. In April Li Huixi, a Falun Gong follower in Shouguang City, Shandong, reportedly was beaten to death by public security officers while in custody. Li's body was cremated without an autopsy before his family was informed of his death. Falun Gong practitioner Li Zaiji died on July 7 while serving a sentence in a reform-through-labor camp in Jinlin. Although the official cause of death was listed as dysentery, family members who examined his body reported numerous wounds and bandages. During the year, several members of underground house churches reportedly also died while in custody, sometimes after being beaten by prison authorities. According to press reports, Liu Haitao was arrested at an underground Protestant church in Henan on September 4 and died in October in the Xiayi County Detention Center after being beaten and denied medical treatment.

According to press reports, in June, more than 2,300 inmates at the Shangrao labor camp staged a protest over forced overtime labor. After prison officials called in over 500 armed police to suppress the strike, a riot occurred. Three persons were killed, and over 70 were injured in the incident (see Section 1.c.).

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.

## 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.

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

The law prohibits torture; however, police and other elements of the security apparatus employ torture and degrading treatment in dealing with some detainees and prisoners. Senior officials acknowledge that torture and coerced confessions are chronic problems but have not taken sufficient measures to end these practices. Former detainees and the press credibly reported that officials used electric shocks, prolonged periods of solitary confinement, incommunicado detention, beatings, shackles, and other forms of abuse against some detained men and women. During the year, there were numerous credible reports of abuse of Falun Gong practitioners by the police and other security personnel, including police involvement in beatings, detention under extremely harsh conditions, and torture (including by electric shock and by having hands and feet shackled and linked with crossed steel chains). 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. Reports of torture increase during periodic "strike hard" campaigns in which police are encouraged to achieve quick results against crime. According to Amnesty International, during campaigns against prostitution, female migrant laborers may be detained and subjected to rape and abuse in custody.

During the year, deaths in custody due to police use of torture to coerce confessions from criminal suspects continued to be a problem. Human rights monitors reported a number of unconfirmed but credible cases of torture. According to one report, Li Lusong of Lanxian County, Shanxi Province, went to local party officials to complain about the dilapidated facilities at the village primary school. Li was kicked and beaten by the police. He later posted comments critical of corruption. After he posted the comments, local police detained him and used a stun gun and pliers to pull out his tongue and cut it off with a knife. In December 1999, the Peoples' Daily reported that a suspect died in police custody in Anhui Province after refusing to admit to being a thief. Various sources report that approximately 100 or more Falun Gong adherents died during the year while in police custody. Many of their bodies reportedly bore signs of severe beatings or torture, and statements by released Falun Gong detainees regularly attest to mistreatment. Many of the bodies of Falun Gong practitioners who died in police custody were cremated before relatives could examine them.

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." The press has reported that such punishments were carried out. In April the newspaper Liaoning Daily reported that several policemen were punished for "extorting confessions with torture and causing fatal consequences." On April 5, the China Prosecutorial Report reported cases of forced confessions in Kunming. On April 16, the newspaper Legal Daily reported that the Guizhou Provincial Higher People's Court sentenced one police officer from Zunyi City to death and another to life imprisonment in connection with the killing of murder suspect Xiong Xianlu in 1998; Xiong was tortured to death. Reports such as these created the impression that torture remained a widespread problem. 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.

Police also beat persons being arrested and persons in detention. Dissident Cai Guihua reported that he was beaten by police while being arrested prior to the June 4 anniversary of the Tianamen Square massacre (see Section 1.d.). Eyewitnesses have reported frequent abuse of Falun Gong protesters as they were being detained.

In May the U.N. Committee Against Torture issued a report expressing concern about continuing allegations of serious incidents of torture, especially involving Tibetans and other national minorities. It recommended that the country incorporate a definition of torture into its domestic law in full compliance with international standards, abolish all forms of administrative detention (including reeducation-through-labor), investigate promptly all allegations of torture, and provide training courses on international human rights standards for police, among other things (see Section 4).

In late 1999, according to credible reports, the Government started confining some Falun Gong adherents to psychiatric hospitals. At year's end, according to Falun Gong, hundreds of practitioners were confined to mental hospitals. Authorities also confined other persons accused of nonviolent political crimes and other offenses to mental hospitals. In mid-December labor activist Cao Maobing was detained and admitted against his will to a psychiatric hospital in Yancheng, Jiangsu Province, where he reportedly also was forced to take medication against his will (see Section 6.a.). In December 1999, authorities in Henan Province committed Xue Jifeng to a mental hospital after he attempted to establish an independent labor union to support workers harmed in a financial fraud. He was held until June (see Section 6.a.). Wang Wanxing, who protested in Tiananmen Square in 1992, continued to be held in a psychiatric hospital on the outskirts of Beijing. Another labor dissident, Wang Miaogen from Shanghai, disappeared in 1999, and some observers believe that he is being held in a psychiatric hospital. During the year, reports began to surface in the press about a woman who was detained by Guangzhou police and sent to a psychiatric hospital in June 1999 because she appeared upset after having had her luggage stolen, and she lacked an identity card. The woman, who was not identified, was raped repeatedly by male inmates at the psychiatric hospital before her husband was able to secure her release approximately 24 hours later. At the couple's insistence, police investigated the rapes, but vital evidence was destroyed prior to the investigation, and only one of the accused had been tried to date (see Section 1.d.). The woman's attempt to win damages was rejected by one court.

There were reports during the year that police sometimes used excessive force to break up demonstrations. In May up to 2,000 unpaid workers reportedly protested at their factory and at local government offices in Liaoyang, Liaoning Province; the demonstration eventually was dispersed violently by the police. Dozens were reported to be injured, and three persons were arrested (see Sections 2.b. and 6.a.). Activist Cai Guihua reportedly was beaten and roughed up by the police on May 31 and June 3.

Conditions in penal institutions for both political prisoners and common criminals generally are harsh and frequently degrading. Conditions in administrative detention facilities (including reeducation-through-labor camps and custody and repatriation centers (see Section 1.d.) are reportedly similar to those in prisons. Prisoners and detainees often are kept in overcrowded conditions with poor sanitation, and their food is often inadequate and of poor quality. Many detainees reportedly rely on supplemental food and medicines provided by relatives; however, some prominent dissidents reportedly are not allowed to receive supplemental food or medicine from relatives. 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. 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. However, prominent political prisoners sometimes receive better treatment. 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 prison conditions in Tibet, see 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 Xu Wenli, Gao Hongmin, Qin Yongmin, Wang Youcai, Chadrel Rinpoche, Chen Lantao (who was released in April), Chen Longde, Chen Meng, Fang Jue, Hu Shigen, Kang Yuchun, Liu Jingsheng, Ngawang Sangdrol, Wang Guoqi, and Zhang Shanguang. 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. Zhou Yongjun (the first chair of the Federation of Autonomous Student Unions), is serving a 3-year reeducation-through-labor sentence after returning to China from New York in 1998 and is reportedly suffering from rhinitis and fever. Ngawang Choephel, who is serving an 18-year sentence for espionage, reportedly suffers from liver, lung, and stomach ailments, and possibly tuberculosis. Labor activist Zhang Shanguang, serving a 10-year sentence for disclosing news of labor demonstrations to Radio Free Asia, was not permitted to see family members regularly in spite of suffering from serious tuberculosis. According to credible reports, Fang Jue is in very poor health. Xu Wenli, who tested positive for hepatitis B during a prison hospital examination, was denied treatment for the disease in 1999 despite repeated pleas by his family. He was said to be in poor health in November. Xu also reportedly was in need of dental care. An Fuxing, a China Democracy Party member and veteran of the Tiananmen prodemocracy movement, contracted hepatitis B at Liaoyuan prison and died from the illness in April. Hua Di, a Stanford researcher, whose 15-year prison sentence on charges of providing missile program secrets to persons abroad was overturned in mid-March, was reconvicted on November 23 and sentenced to 10 years in prison. He is suffering from cancer and was denied release on medical parole in April. Prison officials in Xinjiang have not allowed family members of businesswoman and prominent Uighur activist Rebiya Kadeer to visit or to bring her medicine for heart disease since her arrest on August 11, 1999. She is said to be in poor health, suffering from painful feet, blurred vision, and impaired hearing. There are also allegations that she had been abused physically. Officials reportedly have denied repeated requests for her to be hospitalized.

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.).

Forced labor in prison is common. According to press reports, in June more than 2,300 inmates at the Shangrao labor camp staged a strike to protest against forced overtime for the intensive labor of ore milling. After camp officials called in over 500 armed police to suppress the strike, a riot occurred. Three persons were killed and more than 70 were wounded in the incident (see also Sections 1.a. and 6.c.). Persons may be detained without trial in custody and repatriation centers, in order to "protect urban social order." Until they are repatriated, those detained may be required to pay for the cost of their detention and repatriation by performing forced labor while in detention.

The Government does not permit the 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. After a 1-year suspension of unofficial dialog between a prominent businessman and human rights monitor and the Ministry of Justice, the Ministry resumed providing information regarding prisoners in March. The monitor was invited to visit the country 3 times during the year and received information regarding more than 20 prisoners, most of whom had been released prior to the completion of their original sentences. Prison visits with family members and others are monitored closely.

#### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remain serious problems. The law permits the authorities in some circumstances to detain persons without arresting or charging them, and persons may be sentenced administratively to up to 3 years in reeducation-through-labor camps and other similar facilities without a trial. 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 1999 that prosecutors had censured police officers 70,992 times in 1998 for detentions that exceeded the legal time limit. According to estimates, thousands of persons remain incarcerated, charged with other criminal offenses, detained but not charged, or sentenced to reeducation-through-labor. Although the crime of being a "counterrevolutionary" was removed from the Criminal Code in 1997, by year's end 2000 as many as 1,000 persons remained in prison for the crime, and another 600 were serving sentences under the State Security Law, which covers the same crimes as the repealed section on "counterrevolution." Official government statistics report that there are some 230,000 persons in reeducation-through-labor camps. 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 (see Section 1.c.).

Wang Wanxing, who protested in Tiananmen Square in 1992, continued to be held in a psychiatric hospital on the outskirts of Beijing (see Section 1.c.). In mid-December, labor activist Cao Maobing was detained and admitted against his will to a psychiatric hospital in Yancheng, Jiangsu Province, where he reportedly also was forced to take medication against his will (see Section 6.a.); he remained in the facility at year's end. According to reliable reports, the Government confined hundreds of Falun Gong adherents to psychiatric hospitals.

The Criminal Procedure Law, which was amended in 1997, abolished 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." 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. Few suspects are released on bail or put in another noncustodial detention pending trial.

The Criminal Procedure Law 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 1999, 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 2 months later. Police continue to hold individuals without granting access to family or a lawyer, and trials continue to be conducted in secret (see Section 1.e.).

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. 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 usually are not successful because of problems such as short appeal times and inadequate legal counsel, which weaken the effectiveness of the law in preventing or reversing arbitrary decisions. There have been cases of individuals successfully appealing their reeducation sentences through the courts, although the exact number of successful cases is unknown. Persons sentenced to reeducation-through-labor during the year included activist Yao Zhenxiang.

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 for financial reasons, 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 performing forced labor while in detention. Relatives and friends of detainees in these centers reportedly are often able to secure a detainee's release by paying 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.c., 1.d., 1.e., 2.d., 5, 6.c., 6.d., and 6.f.).

By one estimate, more than 1.7 million persons per year are detained under custody and repatriation or similar regulations. According to the NGO Human Rights in China, the reasons for such detentions rarely are 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 release. Some reportedly are 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.

In theory the Administrative Litigation Law of 1989 permits a detainee to challenge the legality of administrative

detention, but the 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. 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. There also have been cases in which foreign businessmen had their passports confiscated during such disputes.

A campaign initiated by the Government in 1998 to eliminate the China Democracy Party (CDP), a would-be opposition party, broadened and intensified during 1999 and continued throughout the year. This campaign has resulted in the arrest, detention, or confinement of scores of persons. Since December 1998, at least 25 core leaders of the CDP have been sentenced to long prison terms on subversion or other charges. In what some experts have described as an attempt by authorities to tarnish the public image of the democracy movement, during the year Chinese officials accused a number of democracy activists of soliciting prostitutes, distributing pornographic videos, petty theft, or other crimes unrelated to their political activities. On January 3 in Changsha, Tong Shidong, and Liao Shihua were sentenced to 10 and 6 years in prison, respectively, on charges of subversion. Both were members of the CDP; Tong, a professor, was accused of founding a branch of the CDP at Hunan University. In February CDP cofounder Xu Wenli's assistant, Liu Shizun, was sentenced to 6 years for subversion. Also in February, the second highest ranking member of the Shanghai branch of the CDP, Dai Xuezhong (who was arrested in January), was sentenced to 3 years in prison for allegedly hiring three persons to commit an assault with a knife. During the trial, Dai was not allowed to testify in his own defense. In August Dai's brother was sentenced to 3 years' reeducation-through-labor after he publicly protested Dai Xuezhong's sentence. In April a court in Hangzhou sentenced CDP activist Zhu Zhengming to 10 years in prison for subversion. In July after a 90 minute trial, Chen Zhonghe, founder of the Hubei branch of the CDP, and Xiao Shichang were sentenced to 7 years and 5 1/2 years in prison respectively on subversion charges. In early July, Liu Xianbin, a leading member of the CDP, was arrested in Beijing. In late September, Nie Minzhi, an elderly CDP member from Zhejiang Province, was reportedly detained and sentenced administratively to 1 year in a reeducation-through-labor camp. In early December, CDP activists Wang Zechen and Wang Wenjiang reportedly were sentenced in Anshan to 6 years and 4 years in prison, respectively, on charges of subverting state power. The two were arrested in June 1999 and tried in November.

During the year, the authorities also used laws on subversion, endangering state security, and common crimes to arrest and imprison a wide range of political dissidents, activists, and others; some were affiliated with the CDP. Shanghai dissidents Li Guotao, Cai Guihua, Yao Zhenxiang, Fu Shenping, and Dai Xuewu were taken into custody on many occasions throughout the year. Prior to the June 4 anniversary of the Tiananmen Square massacre, Li Guotao was rearrested in Shanghai and charged with spreading reactionary publications, instigating disturbances, and disturbing the social order (apparently in connection with a letter he and others sent to the Mayor of Shanghai, protesting the arrest of dissident Dai Xuewu and requesting his release); on June 28 he was sentenced to 3 years' reeducation-through-labor for demanding the release of CDP members. Dai Xuewu, the brother of imprisoned dissident Dai Xuezhong, also was arrested in Shanghai prior to the June 4 anniversary of the Tiananmen Square massacre and charged with the theft of a cell phone; in August he was sentenced without a trial to 3 years of reeducation-through-labor. Prior to the June 4 anniversary of the 1989 Tiananmen Square massacre, police in some cities also took steps to prevent planned commemorations. In Shanghai police reportedly detained five leading activists from May 31 to June 5, including Cai Guihua, Li Guotao, Dai Xuewu, and Fu Shenping. The police reportedly beat and roughed up Cai Guihua on May 31 and June 3. In Xian police reportedly harassed dissidents planning to commemorate the June 4 anniversary and detained two persons. Press reports stated that police in Beijing also detained three democracy activists and a Protestant activist on June 4. On June 4, graduate student Jiang Xulin reportedly was arrested after putting up a poster on the campus of Beijing University that urged an investigation into the Tiananmen Square massacre and asked that political prisoners be released and victims' families be compensated. Also on June 4, police arrested Shen Zhidao, a supporter of the CDP, in Tiananmen Square while he attempted to commemorate the 1989 Tiananmen Square massacre. He unfurled several banners bearing slogans in the Square prior to being arrested. In August Chinese police in Jiangsu arrested Shen Chang, the leader of a qigong group, and charged him with organizing gatherings aimed at disturbing social order and tax evasion (see Section 2.c.). In September a court in Hebei sentenced the cofounder of the environmental NGO China Development Union, Qi Yanchen, to 4 years in prison for subversion for writing that China would have to introduce political reform in order to avoid widespread social unrest. The article at issue appeared in the prodemocracy e-mail newsletter VIP Reference (see Sections 1.f. and 2.a.). However, in January Song Yongyi, a visiting librarian and academic researcher from Dickinson College, whom authorities detained in August 1999 and charged with "the purchase and illegal provision of intelligence to persons outside China," was released from prison and allowed to return to his home overseas in January (See Section 2.a.).

Other dissidents also were detained, for varying periods, during the year. From January 12 to January 14, police detained and questioned dissident Yao Zhenxiang in Shanghai; he was not charged. According to press reports, on January 23 and 24, police detained Yao and several other dissidents (including Li Guotao, Wang Jianhua, Cai Guihua, and Zhou Qibing) to prevent them from attending another dissident's trial.

In early April, a crackdown on dissidents in Shanghai began. As of early October, authorities imprisoned the following Shanghai dissidents (some more than once before being sentenced to longer terms): Dai Xuezhong (scheduled for release in 2002); Yao Zhenxiang (scheduled for release in 2002); Dai Xuewu (scheduled for release in 2003); and Li Guotao (scheduled for release in 2003).

Police sometimes detained relatives of dissidents (see Section 1.f.).

Persons critical of official corruption or malfeasance also frequently were threatened, detained, or imprisoned. Ma Wenlin, a 58-year-old lawyer in Shaanxi who had organized 5,000 peasants to urge authorities to reduce taxes and to punish village cadres who were guilty of beating villagers, remained in prison on charges of disrupting social order; a court sentenced him to 5 years in prison in November 1999. In March a court sentenced Ma Zhe, a poet and advocate for artistic freedom, to 5 years' imprisonment for attempting to overthrow Communist Party power. In April a court sentenced An Jun, organizer of an independent NGO critical of official corruption, to 4 years' imprisonment for subversion.

Minority activists continued to be targets of the police. In March a court sentenced Uighur businesswoman Rebiya Kadeer to 8 years in prison for passing "state intelligence" information to foreigners. The "state intelligence" she was accused of attempting to pass consisted of newspaper articles published in the official press and a list of individuals whose cases had been handled by judicial organs. Police arrested Kadeer, her son, and her secretary while they were on their way to meet a visiting foreign delegation in August 1999. Authorities administratively sentenced Kadeer's son and secretary to 2- and 3-year terms respectively, in November 1999. In November they denied Kadeer's appeal (see Section 5).

Local authorities used the Government's anticult campaign to detain and arrest large numbers of religious practitioners (see Section 2.c.); house church groups in the northeast reported more detentions and arrests than in recent years. For example, in August police arrested 130 members of a house church in Fangcheng, Henan Province, after they met with 3 foreign members of a Protestant fellowship. According to reports, 85 church members were charged with "using an illegal cult to obstruct justice."

Journalists also were detained or threatened during the year, often for reporting on subjects that met with the Government's or the local authorities' disapproval (see Section 2.a.). In July Zhuhai police arrested five journalists, including two from Hong Kong and two from Macau, who were attempting to report on peasant protests against a land redevelopment scheme. In August local police arrested Ma Xiaoming, a Shaanxi television station reporter who had reported on a case involving 12,000 peasants who brought a lawsuit against their township government. Ma was arrested to prevent him from meeting with a foreign newspaper reporter.

During the year, there were press reports about a woman who was detained by Guangzhou police in June 1999 on the specious grounds of lacking identity documents and sent to a psychiatric hospital, where she was repeatedly raped by male patients before her release about 24 hours later. At her insistence, police investigated the rapes, but vital evidence was destroyed prior to the investigation and only one of the accused had been tried. The woman's attempt to win damages has been rejected by one court (see Section 1.c.).

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. 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 Procedure Law, the State Compensation Law, the Administrative Procedure Law, and others. Many citizens have used the State Compensation Law during the year to sue for damages.

There were no reports that the Government forcibly exiled citizens; however, the Government continued to refuse reentry to the country to citizens who were dissidents and activists. The Government's refusal to permit some former reeducation-through-labor camp inmates to return to their homes constitutes a form of internal exile (see Section 2.d.).

#### 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 particularly 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 local politicians exerting undue influence over the judges they appoint.

During a 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 have 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.

Corruption and inefficiency in the judicial system are endemic. The Government continued a self-proclaimed "unprecedented internal shakeup" of the judiciary, designed to combat corruption and improve efficiency, which began in 1998. In February the SPC issued new regulations tightening conflict of interest guidelines for judges. Judges who violate prohibitions against accepting money or other gifts from litigants or who privately meet with litigants may be found guilty of malpractice under the new regulations. Other regulations banned former judges from trying cases in their old courtrooms. Likewise the Procuratorate announced 10 new rules designed to minimize corruption in and to foster cost-consciousness among the procuratorates. The Procuratorate also announced it would select candidates for some 7,200 vacancies through a system of national examinations. In August the SPC announced it would open 12 leading prosecutorial posts for competition. In an attempt to reduce pretrial corruption, early in the year Beijing courts set up a new office to handle pretrial procedures previously handled by judges. Under the new system, parties would have more difficulty influencing judges because they would no longer have advance notice of who the judge in the case would be. The SPC also implemented a self-examination and responsibility system to hold presidents of higher people's courts responsible for the actions of their subordinates. In 1999 authorities sanctioned 10 presidents of higher people's courts for acts of corruption by their subordinates. During the year, 1,450 court employees were punished for misconduct. In 1999, according to the SPC, 15,748 government officials and businesspersons were sentenced for corruption. Two officials at the ministerial level, 65 at the prefecture or department level, and 367 persons holding posts at the county or division level also were sentenced for corruption. The Procurator General told the National People's Congress in March that, although procurator abuses were down 60.2 percent in 1999, 544 procuratorial officials were disciplined, and 55 were convicted on criminal charges.

Corruption among the police also is a problem. One overseas human rights group reported in 1999 that there had been some 9,000 reported 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 1999 showed that in 1998 corruption prosecutions increased 10 percent, to over 40,000 investigations and 26,000 indictments of officials. In late 1999, National People's Congress (NPC) Standing Committee Chairman Li Peng issued a warning on police corruption. Several high-ranking Party officials also were prosecuted on corruption charges during the year.

The Government also took steps to correct systemic weaknesses in the judicial system and to make it more transparent and accountable to public scrutiny. The law requires that all trials be held in public; however, in practice, many trials are not. In 1999 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. Several courts reportedly opened their proceedings to the public. 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 consistently have been ignored 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 such proceedings closed to the public and closed even to family members in some sensitive cases (see Section 1.d.).

However, since 1998 many trials have been broadcast, and court proceedings have become a regular television feature. In July courts in Shanghai become the first to publish verdicts on the Internet. According to official statistics, the courts nationwide heard 539,000 criminal cases in 1999, an increase of 12.27 percent over 1998, and sentenced more than 600,000 offenders, up 14.02 percent from 1999. The Supreme People's Court released statistics showing that courts at all levels acquitted 5,878 defendants in 1999 due either to lack of evidence or to a conclusion that the charges filed did not amount to a crime.

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. The regulations 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 are insufficient lawyers to meet the country's growing needs. In March 1999 Justice Minister Gao Changli stated that the country had over 110,000 lawyers. According to official reports, there were some 9,000 law offices as

of 1999. The Justice Ministry set a target of 150,000 lawyers, 30,000 notaries, and 40,000 grassroots legal service centers by 2000. According to the All-China Lawyers Association, the country fell short of that goal. Notaries have much more power than their counterparts in the West, and Justice Ministry officials announced in September that the country would change its system of notaries within 10 years so that notaries would no longer be Government employees, would have to have a bachelor's degree, and would be required to take 40 hours of professional training each year.

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 (many of which handle both criminal and civil cases, including those stemming from disputes over compensation to workers) have been established around the country, and the Ministry of Justice has established a nationwide legal services hot line. Beijing and other city police departments have set up hot lines for citizens to complain about police misconduct. In March Beijing authorities claimed that their hot line received nearly 120 calls per day. However, neither prosecutors nor judges are required to have law degrees or legal experience, and qualification standards traditionally have been low. Only 9 percent of judges had received higher education, and many are not well versed in the law. During the year, the authorities undertook additional efforts to improve the training and professionalism of judges and lawyers. After July 1, in a effort to distance judges from prosecutors, judges in Beijing shed their military style uniforms, including epaulets and caps, in favor of robes or suits. The National People's Congress also approved separate draft amendments to the 1995 laws on judges and prosecutors in July. One amendment requires judicial or prosecutorial appointees to be law school graduates who have practiced law for at least 2 years, or postgraduates who have practiced law for at least 1 year. Another required heads of courts and procuratorates, members of judicial committees of courts and procuratorates, and heads of judicial panels to have passed relevant examinations.

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 March the top prosecutor, Procurator General Han Zhubin, admitted that abuses such as using torture to extort confessions, extorting favors from suspects, and nepotism remained serious problems. In May 1998 he also acknowledged that some prosecutors used interrogation rooms like "prison cells" to hold suspects beyond the legal detention period. In 1999 Han's office received 812,821 complaints; 342,017 were related to prosecutors. 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. For example, Zhuo Xiaojun is being held in Fuzhou; after a confession extracted under torture and a prolonged trial with many irregularities, he was sentenced to death for two murders committed 10 years ago. Traditionally defendants who failed to show the correct attitude by confessing their crimes received harsher sentences. The conviction rate in criminal cases is over 90 percent, and trials generally are little more than sentencing hearings. In practice criminal defendants only are assigned an attorney once a case has been brought to court; some observers have noted that at this point, it is too late for an attorney to assist a client in a meaningful way, since the verdict often has been decided already. The best that a defense attorney generally can do for a client is to get a sentence mitigated. In most politically sensitive trials, the courts handed down guilty verdicts immediately following 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. It abolishes a form of pretrial detention called "shelter and investigation," puts limits on nonjudicial determinations of guilt, and establishes a more transparent, adversarial trial process. It also provides 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. 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. In some cases, defendants and lawyers in politically sensitive cases reportedly have not been allowed to speak during trials. The amended Criminal Procedure law still falls short of international standards in many respects. For example, it has insufficient safeguards against the use of evidence gathered through illegal means such as torture. Its appeals process fails to provide sufficient avenue for review, and there are inadequate remedies for violations of defendants' rights. Despite the abolition of shelter and investigation, in some cases police still unilaterally can detain 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 pending trial. Also, 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, throughout the 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.

The new Criminal Procedure Law also does not address certain shortcomings in the legal system. Under the

law, there is no right to remain silent, no right against double jeopardy, and no law of evidence. The mechanism that allows defendants to confront their accusers is inadequate; according to one expert, only 1 percent to 5 percent of trials involve witnesses.

While the new Criminal Procedure Law represents some improvement over past practice, despite its flaws, anecdotal evidence indicates that its implementation 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 1999 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." Also in 1999, 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.

Trials continue to be conducted in secret. In July 1999, 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 1999 labor activist He Chaohui also was tried in a closed courtroom in Hunan. According to Amnesty International, two sisters who owned a bookstore were sentenced to prison terms in January for distributing Falun Gong literature. The sisters reportedly were arrested in July 1999, held incommunicado for 3 months, and tried in secret (see Section 2.c.).

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 1999 dissident Wang Ce was tried and defended himself, reportedly because lawyers recommended by the court refused to take his case. In February he was sentenced to 4 years in prison. 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 continue to have problems with police and prosecutors, leading to complaints and threats of harassment by law enforcement officials. Lawyers' professional associations have 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. There are 65 capital offenses in the law. They include financial crimes such as counterfeiting currency, embezzlement, and corruption. During the year, several mid- or high level officials were sentenced to death for embezzlement or corruption; one, Hu Changqing, vice governor of Jiangxi Province, was executed in February. The trial of 11 officials in the Xiamen corruption scandal was conducted in secret. Seven of the officials were sentenced to death, and four were sentenced to life in prison. Persons may be sentenced to death for other property crimes as well; among those reportedly executed during the year was a man from Yunnan Province, convicted of setting a forest fire. A higher court nominally reviews all death sentences, but the time between arrest and execution is sometimes days or less, and reviews consistently result in the confirmation of sentences. Minors and pregnant women are expressly exempt from the death sentence, and only those theft cases involving banks or museums warrant capital punishment. Amnesty International (AI), in a report issued in January 1999, said the group independently recorded 2,701 persons sentenced to death in 1998, with 1,769 executions confirmed. AI stated that its figure for executions was based on public reports and represented only a fraction of death sentences and executions. AI believes that actual figures were higher because not all death penalties or executions are reported, and the authorities can manipulate such information. 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, were sentenced to death and executed in Xinjiang since 1997. The Government regards the number of death sentences it carries out as a state secret. However, in March the President of the SPC told the NPC that, in 1999, the Court had heard 5,768 appeals, including appeals to death sentences, an increase of 23.43 percent over 1998. The Central Commission of Political Science and Law announced on October 16 that 515 persons were executed nationwide between early September and October 15.

Persons can also receive long prison sentences for financial crimes after very short trials; according to a press report, on May 30, businessman Mou Qizhong was sentenced to life in prison for foreign exchange fraud after a 1-day trial in November 1999.

The shortcomings of the justice system have begun to spur public debate among lawyers, law professors, and jurists, and some have continued to press for legal reform. During the year, scholars wrote numerous articles focused on the absence of legal provisions specifically guaranteeing a suspect's right to remain silent as one of the main reasons for legal abuses. Under the law, a suspect has the duty to "answer truthfully," whether or not the answer is self-incriminatory. One article explained that under existing laws, suspects are often coerced into "truthfully" admitting their guilt, resulting in forced confessions becoming more common. Some legal experts called for a system of supervision during investigations, including the right to have a lawyer present during interrogation, as the only way to protect suspects from torture and forced confessions. Others called for the creation of new regulations setting out the right of the accused to remain silent and a system of accountability for judicial personnel. Major newspapers and legal journals throughout the year called for the introduction of a British or American system of discovery, the abolition of coerced confessions, a legal presumption of innocence, an independent judiciary, and improved administrative laws giving citizens more recourse against the Government. In April the Beijing newspaper Legal Daily published an article on torture that concluded the practice was due to police officials not having adequate legal or human rights training and holding antiquated ideas about a presumption of guilt. In July Shanghai lawyers publicly called for the establishment of the right of the accused to remain silent in a criminal investigation.

There are signs that citizens are beginning to use the court system and the new legal remedies available to them to protect their rights and seek redress for a variety of government abuses; a growing number are using legal recourse against government malfeasance. The Beijing Higher People's Court released statistics in April stating that when citizens sued the Government, citizen plaintiffs won in 23 percent of cases (832 of 3,632) from 1990-1999. In addition a large percentage of such cases are settled out of court. The term "administrative omission" refers to cases in which government organizations do not respond or delay response to applications lodged by citizens. According to statistics by the SPC, the number of administrative omission lawsuits filed by individuals against Government organizations increased by 7.6 times between 1990 and 1998. However, while some plaintiffs have successfully filed suit against the Government, decisions of any kind in favor of dissidents remain rare. In particular appeals of prison sentences by dissidents rarely are granted. In 1999 appeals by Lin Hai, Lai Jingbao, and Fang Jue all were denied.

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 transplants 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. The courts traditionally issue several death sentences before the annual lunar New Year holiday and other holidays. According to Hong Kong press reports, these executions have increased the demand for organs from executed prisoners. More than 40 wealthy individuals in need of transplants reportedly traveled to a hospital in Guangzhou and paid up to \$300,000 (RMB 2.5 million) each for livers harvested from executed criminals. There are no reliable statistics on how many organ transplants occur each year using organs from executed prisoners, but, according to press reports, hundreds of persons from other Asian countries who are unable to obtain transplants at home travel to the country each year for organ transplants. Recipients report paying various amounts for the transplants, and some have reported that treatment may be terminated or delayed for a lack of funds or a delay in payment.

Government officials deny holding 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 amended Criminal Code 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." At year's end, there were as many as 1,000 individuals in prisons serving sentences for "counterrevolution" crimes. Persons detained for such offenses included Hu Shigen, Kang Yuchun, Yu Zhijian, Yang Lianzi, Zhang Jingsheng (released in June), and Sun Xiongying. Several foreign governments urged the Government to review the cases of those charged with counterrevolution, since 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 State Security Law. According to the Government, 600 persons were imprisoned under the State Security Law in 1998-99. Those charged with counterrevolutionary crimes continue to serve their sentences.

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 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 usually are 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.

Amnesty International has identified 211 cases of persons who remain imprisoned or on medical parole for activities related to the 1989 Tiananmen protests alone; other NGO's estimate as many as 2,000 persons remain in prison for their actions at that time.

The Government released some political prisoners early. Software businessman Lin Hai, jailed for Internet subversion, was released in September 1999; June 4 activist Chen Lantao was paroled 7 years early in April; Zhao Fengping also was released in April; Tiananmen Square activist Liu Wensheng was released from a prison in northern Gansu in August; and Yu Zhijian, who defaced the portrait of Mao Zedong in Tiananmen Square during the 1989 student protests, was released in September; Cai Guihua was released in January, detained several times during the year, and paroled in December; and Xu Guoxing was released during the year. Yue Dongyue, who also defaced Mao's portrait, had his sentence reduced during the year from 20 years to 18 years. However, many others, including Chadrel Rinpoche, Fan Zhongliang, Han Chunsheng, Li Bifeng, Jigme Sangpo, Ngawang Choephel, Ngawang Sangdrol, Qin Yongmin, Shen Liangqing, Zha Jianguo, Wang Youcai, Xu Wenli, Xu Yongze, Yang Qinsheng, Zhang Lin, Zhang Shanguang, Zhao Changqing, and Zhou Yongjun remained imprisoned or under other forms of detention during the year. Political prisoners generally benefit from parole and sentence reduction at significantly lower rates than ordinary prisoners. In addition authorities summarily tried and sentenced political dissidents to long prison terms.

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 still frequently are subjected to police surveillance, telephone wiretaps, searches, and other forms of harassment, especially when prominent foreigners visit the country. They also may encounter difficulty in obtaining or keeping employment and housing (see Section 1.f. and 2.d.).

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

The Constitution states that the "freedom and privacy of correspondence of citizens are protected by law." 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. Authorities often monitor telephone conversations, fax transmissions, e-mail, and Internet communications of citizens, 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 and persons dealing with 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.

In urban areas, many persons still depend on government-linked work units for housing, healthcare, 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; government interference in daily personal and family life continues to decline for the average citizen. A growing number of residents in cities are buying their own apartments, further weakening the work unit. In some cities, the system of government-linked housing is being rapidly dismantled.

Some dissidents are under heavy surveillance and routinely have their telephone calls with foreign journalists and diplomats monitored. The authorities blocked some dissidents from meeting with foreigners, particularly during politically sensitive periods. On April 1, the Government prevented Ding Zilin, an organizer of relatives of victims of the Tiananmen massacre, from meeting with the widow of noted author Edgar Snow after learning

that Mrs. Snow wished to donate money to Ding Zilin's organization. Ding was also prevented from leaving her home to meet Mrs. Snow; on April 2, security agents filmed Mrs. Snow's visit to her husband's tomb nearby. On April 3, Su Bingxian, an elderly intermediary who had agreed to convey Mrs. Snow's donation to Ding Zilin, was detained outside of Ding's apartment and held for 1 day. In June the authorities also reportedly surrounded Ding Zilin's apartment on the anniversary of the Tiananmen Square massacre to prevent persons from joining her to commemorate it. Police ordered the sister of one jailed dissident not to meet with a foreign diplomat on the eve of a high level foreign official's visit to China. Although the authorities released Bao Tong, a former Zhao Ziyang aide in 1997, they continue to monitor his activities closely with constant surveillance, at times preventing him from meeting with others and interfering with his telephone service. Officials threatened Bao when he questioned Communist Party policy or complained about invasions of his personal freedom. Other dissidents also have reported harassment by the authorities. Dissidents in Shanghai have been warned not to meet with certain persons, talk to reporters, or write or fax articles. Such harassment appears to be common among Tiananmen-era activists. Authorities also harassed and monitored the activities of relatives of dissidents. For example, security personnel keep close watch on relatives of prominent dissidents, particularly during sensitive periods. Dissidents and their family members routinely are warned not to speak with the foreign press. Security personnel followed Wei Xiaotao, the brother of Wei Jingsheng, to meetings with Western reporters and diplomats on numerous occasions.

Government harassment prevents Tiananmen Square massacre-era activist Tang Yuanjun and other present and former dissidents and their relatives from obtaining and keeping steady employment. The Government continued to freeze bank accounts kept by Ding Zilin containing funds to help the families of Tiananmen massacre victims, an action criticized by dissidents within the country and human rights organizations abroad. In January officials detained Lu Wenhe, who had traveled from abroad carrying \$25,000 (RMB 200,000) intended for Ding Zilin's fund, for 3 days and confiscated the money. By year's end, the money had not been returned. In July 1999, public security officials forced Li Ling, another activist, to withdraw \$25,000 (RMB 200,000) from a bank account in her name that had been sent to her from abroad; the money, which was intended to help victims of the Tiananmen Square massacre and their families, was confiscated. The money had not been returned by year's end. Police sometimes detained the relatives of dissidents (see Sections 1.d. and 2.a.).

There is evidence that official poverty alleviation programs and major state projects, such as the Three Gorges Dam and environmental/reforestation projects, include forced relocation of persons.

The authorities continue to systematically jam VOA radio broadcasts, 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.). Government jamming of Radio Free Asia (RFA) appears to be more effective (see Section 2.a.).

The Government continued to encourage the expansion of the Internet; however, it also increased monitoring of the Internet during the year and placed restrictions on information available on the Internet. The Government introduced new regulations during the year that restricted citizens' right to privacy on the Internet, and monitored e-mail transmissions. Other regulations, which came into effect in 1997, provide for fines and other unspecified punishments to deal with violators. Internet control regulations are reissued occasionally. Enforcement generally drops off after a few months. The latest iteration of Internet regulations, issued on October 1, continues to prohibit a broad range of activities that can be interpreted as subversion or slandering the state (see Section 2.a.). During the year, the Government attempted to block e-mail from overseas Internet service providers used by dissident groups. There have been reports that the Government is attempting to develop an e-mail filtration system to block antigovernment e-mail messages from entering the country. The Government also blocked access to politically sensitive web sites at various times (see Section 2.a.).

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 2030 if current birth rates continue. Most demographers estimate fertility at 2.0 to 2.3 births per woman (although the official figure is 1.8), indicating that the "one-child policy" is not applied uniformly to couples. A strict one-child policy applies in the cities but not in the countryside, where 70 percent of citizens live. According to one senior family planning official, only 60 million of the country's 300 million children under age 14 are from single-child families. 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 and other factors such as small houses and high education expenses have reached a level where couples in major urban centers often voluntarily limit their families to one child. There were reports 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 1999, the official press reported that although couples in Beijing were still

limited to one child, effective October 1, 1999, they would no longer be required to obtain a family planning certificate before having their child. At year's end, the effect of this change was unknown. Such policies reportedly also have been adopted in some other areas. In Shanghai, Zhejiang Province, and parts of Guizhou Province, couples who met certain criteria were reportedly allowed to have a child without government permission. It is illegal for unmarried women to bear children, and unmarried women cannot get permission to have a child. In order to delay childbearing, the Marriage Law sets the minimum age at marriage for women at 20 years, and for men at 22 years; marrying 2 or more years later is encouraged.

Outside the cities, exceptions to the "one-child policy" are becoming the norm. The average number of children per family in rural areas 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 authorities increasingly are pressuring minorities to limit births. AI 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.

Population control policy relies on education, propaganda, and economic incentives, as well as on more coercive measures, including psychological pressure and economic penalties. For example, all workers at a factory or other work unit might lose a bonus if one worker has a child without permission. 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 device (IUD) or implant. The regulations further require that women who use an IUD 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, the number of couples undergoing sterilization procedures after giving birth to two children increased significantly in at least one inland Province. Rewards for couples who adhere to family planning policies include monthly stipends and preferential medical and educational benefits. 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, higher tuition costs when the child goes to school, 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 1999 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." Women of childbearing age are required periodically to undergo pregnancy tests, and couples are required to "practice effective contraceptive measures." Couples already having a child are required to 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."

However, over the past few years, authorities have initiated experiments to relax family planning targets in several counties. The integration of family planning with poverty alleviation and education efforts is one sign of this trend. Experimental relaxed targets in Yi Chun County, Shanxi Province, Chude in Hubei Province, and Longshen in the Gaunxi Autonomous Region have met and sometimes exceeded the official target and also have produced a more normal sex ratio at birth than in other areas. In Yicheng County, couples who have observed the rule of not marrying early and waiting 3 years to have their first child are permitted to have a second child after age 30. According to a foreign press report, over the past few years more than 600 counties covering about half the country's population have adopted more liberal policies in seeking to maintain low birth rates; Zhejiang Province reportedly has abandoned "birth quotas" of county-by-county permissible births each year, and other countries have set up "whispering rooms" in family planning offices where women can talk privately with doctors about their birth control options. Other jurisdictions, such as Minglan village in Yandu County, have reportedly followed the earlier example of Beijing and other cities, abolishing birth permits and allowing couples to decide on their own when to have a baby. Beijing reportedly encourages local officials to

initiate and fund their own projects on family planning.

Penalties for family planning violators, including high fines, have led to widespread underreporting of rural births, making population statistics unreliable. By some estimates, official statistics may underreport the annual number of births by as much as 25 percent. Local officials, caught between pressures from superiors to show declining birth rates and from local citizens to allow them to have more than one child, frequently make false reports. For example, in July the Yunnan Ribao reported a local doctor in Xuanwei falsely had reported 700 births of twins in order to account for families having multiple children. In April the government-sponsored Chinese Academy of Social Sciences issued a book showing discrepancies in birth figures. According to that book, in 1998 the State Statistics Bureau reported 19.91 million births in China, while the State Family Planning Agency maintained there were only 13.83 million births, a difference of more than 30 percent.

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. According to a senior family planning official, 10 million persons are sterilized each year and not all voluntarily. 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. Senior officials repeatedly have said 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 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 in a few instances, individuals have exercised this right.

Corruption related to family planning fines is a widespread problem. In 1999 the press reported that one city in Henan Province had punished 879 Party members and government officials for corruption in family planning.

In late 1998, the United Nations Population Fund (UNFPA) on an experimental basis launched a 4-year pilot project in 32 counties to address family planning and reproductive health issues solely through the use of voluntary measures, 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. Although it was still too early for an overall assessment of this program, visits to selected counties by foreign diplomats indicate 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 (allowing couples to choose without authorization when to have their first child); other counties have not yet done so, or have only begun to do so. In Sichuan Province a couple can legally have a second child without applying for permission if they meet all the requirements; however, regulations and implementation vary from town to town. 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.

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, many families have used ultrasound to identify female fetuses and terminate pregnancies. The use of ultrasound for this purpose is prohibited specifically by the Maternal and Child Health Care Law, which came into effect in 1995 and mandates 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 leading to 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 (see Section 5). The 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; in the rural areas the practice continues. In July the Liaoshen Evening News reported that in a township of Liaoyang County, Liaoning Province, the male to female sex ratio

was 306/100 for second children born between 1992 and 1999. After operating for 7 years, an illegal sex determination clinic was exposed when an outraged citizen called the Liaoyang City mayor's hot line.

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 recommends 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 for 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. During the year, the Government maintained tight restrictions on freedom of speech and of the press. 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. According to official statistics, in 1998 the country had 2,053 newspapers, and 7,999 magazines and trade publications. It also published 7.24 billion copies of books representing 7,999 titles. 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. The State Security Law forbids journalists from divulging "state secrets." 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.

The Government's harsh propaganda campaign against the Falun Gong, begun in 1999, continued and intensified during the year. There were also smaller propaganda campaigns against superstition.

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 too sensitive. Newspaper editors may be suspended and sent to the Propaganda Bureau for "rectification," after which they can generally return to work in the publishing industry. With the Government's consent and even open support, the press continued to publish stories related to citizen's rights, legal reform, official corruption, and official misconduct and gross abuses, particularly by law enforcement officials. However, newspapers cannot report on corruption without government and Party approval, and publishers published such material at their own risk. Senior officials issued a new call for tighter controls on the media and related fields in the period preceding the country's entry into the World Trade Organization. According to Western press reports, in August Jiang Zemin, at the annual leaders conference in Beidaihe, reportedly indicated that more media organizations, including web sites, would be asked to undergo government-controlled mergers in order to ensure control by Party and government censors. Jiang indicated the existing ban on new permits for magazines and publishing houses would stay in place and that authorities would place tighter controls on freelance contributors to newspapers, magazines, and web sites, as well as freelance production houses for television units. At year's end, it was not clear that such policies had been effectively implemented.

Journalists were harassed, detained, and threatened during the year, often for reporting on subjects that met with the Government's or local authorities' disapproval, including corruption. In January the editor in chief of Southern Weekend, a newspaper known for its daring investigative reporting and critical editorials, was reassigned by Communist Party officials. After his departure, the newspaper's content reportedly became less critical of the Government than it had been previously. In March the government newspaper Weekly was shut down by the authorities after it published sensitive information regarding military strategy against Taiwan. In September Qi Yanchen was convicted in Hebei of subversion for writing an article for the prodemocracy e-mail newsletter VIP Reference. In July Zhuhai police arrested five journalists, including two from Hong Kong and two from Macau, who were attempting to cover peasant protests against a land redevelopment scheme. In August local police arrested Ma Xiaoming, a Shaanxi television station reporter who had reported on a case

involving 12,000 peasants who brought a lawsuit against their township government. Ma was arrested to prevent him from meeting with a foreign newspaper reporter. On August 11, poet and editor of the literary journal Tendency, Huang Beiling (also known by his pen name of Bei Ling), was arrested in Beijing and charged with illegal publishing. Authorities also seized several hundred copies of the most recent edition of Tendency, which the authorities stated has "political problems." Huang's brother and sometime partner in Tendency, Huang Feng, was detained on August 18, possibly in connection with his efforts to obtain his brother's release. Huang Beiling was released on August 25, and returned to his home abroad. According to the local press, in November several persons accused of printing and distributing Falun Gong literature were arrested in Chaoyan, Liaoning Province.

In January, according to one report, the Government announced that it had closed down 27 newspapers, some for violations of press regulations or printing fabricated or sensational stories. In June authorities reportedly issued a new directive that required the media to uphold the party line and in July demoted or fired about 12 editors of publishing houses for ignoring the directive.

In April 1999, journalist Gao Qinrong reportedly was sentenced to 13 years in prison after writing a story that appeared in 1998 on corruption in connection with the construction of an irrigation system in Shanxi Province.

The publishing industry consists of three kinds of book businesses: about 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 and uses the allocation of promotions, cars, travel, and other perks to encourage editors to exercise "proper" judgment 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 with the public. These underground printing houses are the main targets 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 had the effect of restricting 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 (i.e. pornographic or pirated) publications if the vendors do not sell politically sensitive books. Many pirated works are printed by police- or military-affiliated organizations, which often are not targeted for investigation. While government efforts have made it somewhat more difficult to find these books, they still are available. Pirated software, music compact discs, and video compact discs also are available widely and openly.

In January Li Zhe and Wang Huimin, two distribution managers at Beijing's wholesale book market, were arrested for editing and publishing a book which exposed official corruption. In June the Beijing Publishing Group announced its decision to cancel its plans to publish of novel "Waiting," by Ha Jin, a Chinese author living abroad. The book, which won foreign literary awards, was criticized publicly by a Beijing university professor as unpatriotic and for casting the country and its citizens in a bad light. Poet Bei Ling and Director of the PEN American Center Michael Roberts claim that there has been a tightening of the publishing rules during the year, that 15 publishing houses were closed and that a popular sexually explicit book was banned.

In early August, customs officials seized thousands of copies of a book being manufactured in the country by a foreign publishing company for publication abroad. The book contained photographs of world leaders, including the Dalai Lama. The Government claimed that its ban on politically sensitive works extended to items bound for export. Soon after this incident, 10,000 copies of a book of Tibetan art, published by the same foreign publisher for publication abroad, were seized as well. In early September, the books with the offending photograph of the Dalai Lama were released.

Some dissidents continued to speak out despite the Government's restrictions on freedom of speech. In late March, just prior to the annual meeting of the U.N. Commission on Human Rights in Geneva, former CCP member Bao Tong issued a letter criticizing the country's human rights policies. Prior to the June 4 anniversary of the Tiananmen Square massacre, Li Guotao was rearrested in Shanghai and charged with spreading reactionary publications, instigating disturbances, and disturbing the social order (apparently in connection with a letter he and others sent to the mayor of Shanghai protesting the arrest of dissident Dai Xuewu and requesting his release). On June 28 he was sentenced to 3 years' reeducation-through-labor for demanding the release of CDP members.

Several groups actively commemorated the June 4 anniversary of the Tiananmen massacre. On May 29, nine dissidents in Liaoning jointly wrote a letter to Jiang Zemin, urging the authorities to reverse the verdict on the June 4 incident. On May 31, a group of 108 surviving victims and family members of victims of the Tiananmen Square massacre released a letter through a human rights organization based outside of the country that demanded that Li Peng be prosecuted for his actions in relation to the massacre. According to the Information Center for Human Rights and Democracy, on June 1, Liu Xiaobo appealed for the release of political prisoners and apologies to the families of the victims of the Tiananmen Square massacre. On June 4, 50 dissidents in Chongqing, Henan, and Hebei staged a 24-hour hunger strike to commemorate the massacre. In an open letter to Jiang Zemin, Tiananmen massacre victims' family rights activist Ding Zilin requested the return of funds earmarked for her group that were seized by police in January. However, the Government continued to threaten, arrest and imprison persons expressing their freedom of speech and press. In January 20-year old democracy activist Wang Yingzheng was found guilty of attempting to overthrow state power and sentenced to 4 years in prison for writing an open letter to Jiang Zemin denouncing corruption in China's ruling class. Also in January, Wang Hansheng and his wife, Xu Xianglan, were sentenced to 6 and 8 years in prison respectively for printing Falun Gong books and posters. In his March letter, Bao Tong noted heavy surveillance and interference with his privacy as a result of his continued activism (see Sections 1.f. and 2.d.); he also noted that his freedom of speech has been threatened by the authorities. Police sometimes detained relatives of dissidents (see Section 1.f.). In May ads and other programs featuring the popular Taiwanese singer Ah Mei (Chang Hwei-Mei) were banned, after she sang at the inauguration of the new Taiwanese President, Chen Shui-Bian. In July government film censors blacklisted popular actor-director Jian Wen because his Cannes Film Festival award winning film "Demons at the Doorstep" was judged to be unpatriotic in its depiction of the Japanese occupation. In October Beijing authorities criticized the award of the Nobel Prize for Literature to Gao Xingjian, an exile who is a French citizen and gave no indication they would lift a ban on his works.

The Government kept tight control over the foreign press during the year and continued efforts to prevent foreign media "interference" in internal affairs. The authorities continued to jam, with varying degrees of success, Chinese- and Tibetan-language broadcasts of the Voice of America and Radio Free Asia (RFA). English-language broadcasts on VOA generally are not jammed, unless they immediately follow Chinese-language broadcasts, in which case portions of English-language broadcasts may be jammed. 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. In May 1999 the press reported that Shanghai authorities had issued a notice that restricted pager services and Internet service providers, among others, from transmitting "political information" or information that could harm social stability.

There are no privately owned television or radio stations, and all programming must be approved by the Government. Commercial program producers are seeking to expand the limits of broadcast content.

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. The Government does not place restrictions on their use.

During the year, 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 2,400; 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. It is estimated that nearly 15 million persons were connected to the Internet as of year's end, but estimates vary, with some considerably higher. However, increasing regulations, controls, and restrictions on the Internet by the Government during the year has led to self-censorship, and had a chilling effect. In recent months a number of prodemocracy web sites were closed, Internet cafes were shut down, and web site operators were arrested. However, the number of web sites and Internet cafes grew dramatically during the year, and on some bulletin boards and web sites, frank discussions of the need for political reform took place.

In early January, press reports stated that authorities in Shanghai ordered corporate Internet users to register with the police "to strengthen the protection and safety of computers and information." On January 26, the Government issued the Computer Information Systems Internet Secrecy Administrative Regulations, which criminalized the posting and dissemination of "state secrets" on the Internet. However, the definition of "state secrets" remains vague. The new regulations also stated that operators of Internet chat rooms could be held liable for their content, and that web sites are required to submit to examination and approval by government secrecy offices. A November press report indicated that separate regulations on allowable content for Internet

bulletin boards and chat rooms were also published. Another press report noted that additional regulations on bulletin boards were published on December 5.

Internet control regulations are reissued occasionally. Enforcement of such regulations generally wanes after a few months. Regulations issued on October 1 continued to prohibit a broad range of activities that could be interpreted as subversion or as slandering the state. 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.

On September 26, new regulations on Measures for Managing Internet Content Provision were passed. The new regulations seem to be a codification of existing regulations and govern who can own Internet businesses, what can be published on the Internet, and who has oversight over Internet businesses; they also require all Internet content providers to be licensed and give such businesses 60 days to provide information about the businesses to the Ministry of Information Industry to obtain licenses. The regulations reportedly require Internet content providers to keep files of what they post and who reads it for 60 days, and ban subversive information (including endangering state secrets or national security), information that advocates cults and superstition, that is harmful to the country's reputation, or that is harmful to reunification efforts. The regulations also reportedly included requirements that Internet service providers "record the times that users log on to the Internet, users' account numbers, Internet addresses or domain names, and the telephone numbers dial in from" and defined illegal content to include news or information that is harmful to the country's reputation, disrupts social stability, disrupts efforts at reunification, or that advocates cults and superstition. Some observers view the new regulations at least in part as an attempt to shift the burden of policing the Internet to the Internet service providers rather than the authorities.

The Government has specially trained police units to monitor and increase control of Internet content and access. In July the state press announced the establishment of an Internet police force in central Anhui Province, stating that similar police forces would be established in 20 other provinces. According to various sources, such Internet police forces were set up in 20 provinces. During 1999 central authorities and public security police in 16 provinces began work on strengthening the administration of Internet cafes, which had been required to register in 1999. Internet cafes also are required 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. There are frequent reports of raids and crackdowns on Internet cafes; according to press reports, during 1 week in early February, 127 unregistered Internet cafes were shut down in Shanghai.

In 1999 one human rights group reported a national police directive ordering special police 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. However, some bulletin boards were shut down in 1999. Content on some bulletin boards has been removed, sometimes on a daily basis. In May 1999 the press reported that Shanghai authorities issued a notice that restricted pager services and Internet access providers, among others, from transmitting "political information" or information that could harm social stability. In October 1999, 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. At year's end, these regulations had not been enforced. In 1999 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;" however, there was no evidence that action was taken by this committee during the year.

The authorities also arrested dissidents for information disseminated through the Internet. In August authorities shut down the New Culture Forum, a prodemocracy web site, and sought Xin Wenming, the site's webmaster. Also in August, authorities moved against the nation's largest online bookstore, Jinqi Xishu, as well, for allegedly selling publications through "improper channels." Also in August, police in Nanchong arrested an Internet cafe owner for publishing "counterrevolutionary" articles on public bulletin boards. In September the cofounder of the environmental NGO China Development Union, Qi Yanchen, was sentenced in Hebei to a 4 years in prison for subversion for writing that China would have to introduce political reform in order to avoid widespread social unrest. The article at issue appeared in the prodemocracy e-mail newsletter VIP Reference. As with similar crackdowns against prodemocracy or religious dissidents, authorities frequently charge persons who maintain Internet sites with social crimes. For example, Huang Qi, founder of the prodemocracy web site New Culture Forum in Sichuan Province, was arrested immediately before the June

4 commemoration of the Tiananmen massacre for posting information about the 1989 Tiananmen Square crackdown. He was charged with operating an unregistered Internet site and spreading pornography. In August Huang's web site reportedly was closed down. Shanghai writer and Revival Movement activist Wang Yiliang was sentenced to 2 years' reeducation through labor for allegedly downloading pictures of nude women.

Authorities have at various times blocked politically "sensitive" web sites, including those of dissident groups and some major foreign news organizations, such as the Voice Of America (VOA), the Washington Post, the New York Times, and the British Broadcasting Corporation (BBC). On June 4, the web site of the South China Morning Post was blocked temporarily. Also on June 4, police reportedly cut the telephone line of dissident Ding Zilin, to prevent her from participating in an Internet telecast to Hong Kong commemorating the June 4 anniversary of the Tiananmen Square massacre. The Government specifically targeted web pages run by Falun Gong followers as part of its crackdown against the group. Nonetheless a number of human rights web pages continue to be accessible. 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 providing outside information and news grew so rapidly. Moreover censorship of the Internet appears to be applied inconsistently, although some Internet service providers practice self-censorship to avoid running afoul of very broadly worded regulations.

By year's end, the Government had not promulgated any regulations governing news provided by Internet content providers. However, the Propaganda Department issued warnings to some providers who carry foreign media reports. One representative of a Western Internet content provider operating in the country stated that, while his organization will not completely stop using foreign media reports, it will focus on international and entertainment news when relaying foreign media reports, rather than on domestic affairs. However, web sites are restricted in their ability to post foreign news stories. In October 1999 new rules restricted Chinese news sites from creating links to foreign news sites. The links disappeared temporarily but were back in December 1999. During the year, such links sometimes were blocked and sometimes were available. In January the Government issued regulations requiring any commercial web site with a cyber news service to first get approval from the Information Office before being allowed to apply for a business license. According to official media reports, the China Finance Information Network, a web site based in Wuhan, was fined and temporarily closed in May for carrying a report that authorities claimed was false. The story, regarding corruption on the part of the vice governor of Hubei Province, was from The Sun, a Hong-Kong based newspaper. On November 7, regulations were published that require web sites to use news from state controlled media, to obtain approval before posting news from foreign news sources, and to follow strict editorial conditions before generating their own news items. Other regulations were set up punishing persons who store, process, or retrieve information deemed to be "state secrets" from international computer networks. The regulations require any company or individual running a chat room, news group, or electronic bulletin board to get approval from the State Bureau of Secrecy. In spite of new regulations, dissident groups, including Falun Gong, increasingly used sophisticated methods to bypass Internet site blocks and to publish online magazines posing as bulk e-mail. News articles from foreign Chinese-language newspapers such as Singapore's United Morning News often are carried on web sites, and hundreds of newspapers have web sites.

E-mail and e-mail publications are more difficult to block, although the Government attempts to do so, at times, by blocking e-mail from all overseas Internet service providers used by dissident groups. There 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 reported that in May 1999 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. According to a press report, police have installed monitoring equipment on the servers of the country's major Internet service providers. However, activists use a wide range of antifiltering countermeasures. 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. E-mail to certain addresses overseas is blocked but the blocking is easily overcome by sophisticated Internet users. Dissident electronic journals and web sites from overseas also use various measures to avoid blocking. Citizens who supply large numbers of e-mail addresses to organizations abroad have been prosecuted. The authorities generally do not prosecute citizens who receive dissident e-mail publications, but forwarding such messages to others is illegal. 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.

Despite the restrictions on the Internet, and the fact that direct attacks on the Government and references to sensitive matters such as the Tiananmen massacre and the Government's handling of Falun Gong are not allowed, information and discussion on other topics, such as the environment and corruption, can be very pointed. Participants in Internet forums regularly express politically unacceptable views, including contributors to state-run web pages, and those run by the People's Daily.

The Government does not fully respect academic freedom and 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 generally was greater official tolerance for comment and debate; however liberal scholars and intellectuals from many disciplines were under greater pressure from the Government during the year. Early in the year, Liu Junning was dismissed from the Chinese Academy of Social Sciences. Liu and another liberal scholar publicly had criticized national leaders or policies. Attacks against Liu and another liberal scholar, including a speech by Jiang Zemin, were published in government newspapers in early April, and according to press reports, publications were prohibited from publishing works of some of the scholars. Many other liberal scholars also reportedly were criticized by the authorities. Some observers believed that this action was meant to send a message to other leading intellectuals as to the limits of allowable discourse and would have a chilling effect. There have been reports that liberal intellectuals have been more circumspect in articulating unorthodox ideas since this incident and have engaged in a heightened degree of self-censorship. When Yu Jie, a well-known essayist and liberal social commentator, arrived to take up a post at the Chinese Modern Language Institute (a branch of the China Writer's Association) in the fall, he was told that the offer had been rescinded. Yu reportedly has had difficulty recently getting his works published, and publishers reportedly have been ordered not to publish further editions of his previous works. According to a news report, economist and author He Qinglian was forced out of her job as a columnist with a paper in Shenzhen because of her pointed comments on corruption and inequity in the economy.

Early in the year, the Government also ordered university groups to obtain permission before inviting outside speakers. In March a longstanding Chinese language program run by a foreign university was required to alter its curriculum to eliminate certain items deemed politically sensitive and material that "portrayed the country in a bad light" as a condition for the program's renewal. On June 4, Beijing University student Jiang Xulin was detained for publicly displaying an essay urging the Chinese Communist Party to reassess the 1989 Tiananmen massacre.

The Government continues to use political attitudes as criteria for selecting persons for Government-sponsored study abroad but does not impose such restrictions on privately sponsored students (who constitute the majority of students who study abroad).

Researchers residing abroad also have been subject to sanctions from the authorities when their work does not meet with official approval. On January 29 Song Yongyi, a librarian and academic researcher from Dickinson College who had been arrested in August 1999 and charged with "the purchase and illegal provision of intelligence to persons outside China," was released from prison. Song, an expert on the Cultural Revolution, had traveled to the country to collect materials such as newspaper articles, books, and other publicly available information regarding that period, as he had on several previous occasions. His 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. In 1999 Hua Di, a Stanford researcher, was sentenced to 15 years in prison for providing missile program secrets to persons abroad; his conviction was overturned in mid-March (see Section 1.c.). Hua was reconvicted on November 23 and sentenced to 10 years in prison.

#### 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 the expression of dissenting political views.

At times police used excessive force against demonstrators. Demonstrations with political or social themes often were broken up quickly and violently. The number of persons who participate in demonstrations is often difficult to verify, and estimates of the numbers of participants vary. Hong Kong-based human rights groups allege that 1,200 persons were detained between June 18 and June 25 during protests and public demonstrations by Falun Gong practitioners in 9 provinces. Falun Gong attempted to organize gatherings on Tiananmen Square throughout the year, especially on special anniversaries; such protests were often broken up violently by the police and security forces. In July Falun Gong practitioners attempted to unfurl banners or shout slogans to mark the first anniversary of the banning of Falun Gong. At that time, diplomats and journalists witnessed several hundred Falun Gong practitioners being arrested and several persons being beaten. Authorities prevented some demonstrations with possible political overtones from taking place or dispersed those underway, and in at least one city, Shenyang, local government officials banned public

demonstrations effective July 20, although demonstrations continued to take place. In May due to concerns about large gatherings taking place around the June 4 anniversary of the Tiananmen Square massacre, the authorities banned a planned memorial march for a university student who had been raped and killed. Authorities also broke up a June 4 gathering of 30 persons at Beijing University that was held to commemorate the Tiananmen massacre's victims and arrested two participants. Other small gatherings of dissidents planned on and around the June 4 anniversary were broken up in Beijing and Xian (see Section 1.d.).

In many cases, the authorities dealt with economic demonstrations more leniently (see Section 6.a.), but some economic demonstrations were also dispersed with the use of force. In February mine workers in Liaoning Province clashed with police and military officers for 3 days after the closure of a mine was announced; the miners, although given a severance package, were owed 18 months' wages (see Section 6.a.). The area was briefly placed under martial law. In May up to 2,000 unpaid workers reportedly protested at their factory and at local government offices in Liaoyang, Liaoning Province; the demonstration was eventually forcibly broken up by the police. Dozens were reported injured, and three persons were arrested (see Sections 1.c. and 6.a.). In June a Hong Kong human rights group reported that in Yantou village, Zhejiang Province, 20 residents and 5 policemen were injured when police clashed with village residents over plans to demolish 200 homes. According to Western press reports, in July 100 villagers were hurt, 40 policemen were injured, and 1 policeman was killed in clashes between security forces and villagers over a water project in drought-stricken Anqui City in Shandong. Also in July, there were press reports that police beat 5 villagers in Xian protesting against the local Government's failure to compensate them for requisitioned land. In August credible reports indicated that 1 person was killed and approximately 100 were injured as thousands of farmers in Fengcheng City, Jiangxi Province, clashed with police in week-long riots sparked by anger over high taxes.

Despite restrictions in Beijing and elsewhere, the number of demonstrations nationwide continued to grow. According to a Public Security Ministry report, in 1999 more than 100,000 demonstrations took place, up from 60,000 in 1998. Demonstrations related to economic grievances and official corruption were common, and demonstrations related to family planning continued. Some demonstrations included thousands of protesters. Authorities handled many protests with restraint, especially those concerned with economic issues. According to a Hong Kong-based human rights organization, 500 workers in Fuzhou demonstrated in July in front of provincial government buildings to protest plans to close their factory. Also in July, 200 peasants in Yinxi town, Anhui, protested Government orders to tear down their homes to build an airfield. In May hundreds of university students in Beijing protested Beijing University's handling of the killing of a female student.

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, environmental, labor, and youth organizations that directly challenge government authority. Since November 1999, all concerts, sports events, exercise classes or other meetings of more than 200 persons must be approved by Public Security authorities. According to Human Rights Watch, in November 1999, An Jun, an attorney who formed an organization called "Corruption Watch" to expose local corruption, was put on trial. In April he was sentenced to 4 years in prison on charges of inciting the overthrow of the Government. 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 CDP, which activists around the country had tried since 1998 to organize into the country's first opposition political party (see Section 1.d.).

According to Government statistics, by the end of 1998, there were 1,500 national-level, quasi-nongovernmental organizations, 165,000 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 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 reregister under the revised regulations, a process that may be used to further restrict the numbers and types of NGO's. Regulations stipulate that local-level NGO's 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.

During the year, poet Ma Zhe was charged with subversion and sentenced to 5 years in prison for setting up the "Cultural Revival Movement," which advocated the end of Communist Party control over artists and their cultural and literary works. In July Kong Youping, the would-be founder of the "China Youth Association," was arrested and charged with subversion.

### c. Freedom of Religion

The Constitution provides for freedom of religious belief and the freedom not to believe; 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. There are five officially recognized religions--Buddhism, Taoism, Islam, Protestantism, and Catholicism. For each faith, there is a government-affiliated association to monitor and supervise its activities. Membership in religions is growing rapidly; however, while the Government generally does not seek to suppress this growth outright, it tries to control and regulate religious groups to prevent the rise of groups or sources of authority outside the control of the Government and the Chinese Communist Party. 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.

During the year, the Government's respect for religious freedom continued to deteriorate. The Government intensified its harsh crackdown against the Falun Gong movement and extended its actions to "cults" in general. In some regions, the atmosphere created by the nationwide campaigns against cults and superstition had spillover effects on other unofficial faiths. Various sources report that approximately 100 or more Falun Gong adherents died during the year while in police custody; many of their bodies reportedly bore signs of severe beatings or torture, or were cremated before relatives could examine them (see Section 1.c.). A number of qigong (a traditional Chinese health regimen with mystical overtones) and Protestant house church groups were banned. House church groups in northeastern China reported more detentions and arrests than in recent years (see Section 1.d.), and in some areas officials destroyed hundreds of unregistered houses of worship. In many regions with high concentrations of Catholics, relations between the Government and the underground church loyal to the Vatican remained tense. The situation in Tibet was particularly poor, as the Government intensified and expanded its "patriotic education" campaign aimed at neutralizing lamas, monks, and nuns with sympathies to the Dalai Lama (see Tibet addendum). Apolitical religious activities that had been tolerated in the past in Tibet were more tightly restricted during the year and in some cases were not permitted. Regulations restricting Muslims' religious activity, teaching, and places of worship continued to be tight in Xinjiang, and the Government dealt harshly with Muslim religious leaders who engaged in political speech and activities that the authorities deemed separatist.

The state arrogates to itself the right to recognize and thus to allow to operate particular religious groups and spiritual movements. 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 rather than 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. During a 1999 speech, President Jiang Zemin noted the Party's policy on freedom of religious belief but also called for stronger leadership over religious work and intensified management of religious affairs. He added that "we should energetically give guidance to religion so that it will keep in line with the socialist society and serve ethnic unity, social stability, and modernization."

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 reports that despite the rapidly growing religious population, it is difficult for new places of worship to be registered even among the five officially recognized faiths.

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, police and RAB officials performed registration concurrently with other law enforcement actions. Police closed scores of "underground" mosques, temples, seminaries, Catholic churches, and Protestant "house churches," including many with significant memberships, properties, financial resources, and networks. Some were destroyed; others were confiscated by authorities for other uses. It has been estimated that approximately 450 churches and temples were closed, destroyed, or confiscated for other uses during the weeks prior to December 25 in Wenzhou, and as many as 1,200 churches and temples were closed, destroyed, or confiscated by authorities for other uses in surrounding areas of Zhejiang Province during that same time. Leaders of unauthorized groups are often the targets of harassment, interrogations, detention, and physical abuse.

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, although regulations require local authorities to provide land to church groups, some local officials may try to avoid doing so by denying registration, thus avoiding the requirement to provide land. 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 are also reports that RAB officials have requested illegal "donations" from churches in their jurisdictions as a means of raising extra revenue.

There is significant variation in how the authorities deal with unregistered religious groups. In certain regions, Government supervision of religious activity is minimal, and in some parts of the country, registered and unregistered churches are treated similarly by authorities, existing openly side by side. Coexistence and cooperation between official and unofficial churches in such areas, both Catholic and Protestant, is close enough to blur the line between the two. In these areas, many congregants worship in both types of churches. However, in some areas relations between the two churches remain hostile. In other regions, particularly where considerable unofficial and official religious activity takes place, such as in Zhejiang, Guangxi, Shanghai, and Chongqing, 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 in such areas. During the year, some unregistered religious groups were subjected to increased restrictions, and, in some cases, intimidation, harassment, and detention. Some house church members asserted that authorities continued efforts 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 considered 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. This has a disproportionate effect in such minority-inhabited areas as Xinjiang and Tibet. 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 belonged to any religious organization, whether open or clandestine. There were reports that the Government issued a circular in early 1999 to remind Party cadres that religion was incompatible with Party membership, a theme reflected in authoritative media. President and CCP General Secretary Jiang Zemin stated in a September 1999 speech that "Party members of all ethnic groups must have a firm faith in socialism and communism, cannot believe in religion, cannot take part in or organize religious activities, and cannot take part in feudal superstitious activities." On March 11, the Party's flagship newspaper, the People's Daily, published a commentary on religious affairs work. The article urged all Party members to "promote atheist thought in a positive way and persist in educating the masses of various ethnic groups with the Marxist perspective on religion." While the commentary also called on the Party to protect "citizens' freedom of religious belief," it warned that "hostile forces outside (China's) borders and separatist forces are taking advantage of ethnicity and religion to bring about political infiltration and the separation of the motherland." 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." Party and PLA military personnel were expelled for adhering to the Falun Gong movement; there is no available information indicating whether Party or PLA military personnel were expelled for associating with other religious or spiritual/mystical groups. However, according to government officials, in certain localities as many as 20 to 25 percent of Communist Party officials engage in some kind of religious activity. 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 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 and expanded in September codified many existing rules involving foreigners, including a ban on proselytizing by foreigners, but for the most part foreign nationals are allowed to preach to foreigners, bring in religious materials for personal use, and preach to citizens at churches, mosques, and temples at the invitation of registered religious organizations. Collective religious activities of foreigners also are required to take place at officially registered places of worship or approved temporary locations. Foreigners are not permitted to conduct missionary activities, but foreign Christians teach English and other languages on college campuses with minimum interference from authorities as long as their proselytizing is low key. There were reports in early 1999 that the Government issued a circular to tighten control over foreign missionary activity in the country. However, there was no evidence of further tightening during the year. On March 25, police raided a house church service in Jilin and confiscated the Bible and camera of a foreigner who was in attendance. The foreign Christian subsequently was fined, and one local official described the house church service as a "heretical religious activity."

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. The Government permitted limited numbers of 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. Members of the underground Catholic Church, especially clergy wishing to further their studies abroad, found it difficult to obtain passports and other necessary travel documents (see Section 2.d.).

Since the end of the Cultural Revolution, the Government has restored or replaced some churches, temples, mosques, and monasteries damaged or destroyed between 1966 and 1976, and allowed the reopening of some seminaries. Implementation of this policy has varied from locality to locality. However, there are far fewer temples, churches, or mosques than existed 50 years ago (before the Revolution), despite the recent increase in the number of religious believers. The difficulty in registering new places of worship, along with the decrease in places of worship, has led to crowding in many existing places of worship.

Approximately 8 percent of the population are Buddhist, approximately 1.6 percent are Muslim, and 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 0.8 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.

Traditional folk religion (worship of local gods, heroes, and ancestors) of a majority of the population has experienced a revival in recent years and is tolerated to varying degrees as a loose affiliate of Taoism, or as an ethnic minority cultural practice; however, many manifestations of folk religion are officially considered to be "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 in the country, 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. In 1998 a senior provincial party official stated 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) have more freedom to practice their religion than those in the TAR, although significant restrictions remain. The number of monks outside the TAR is substantial and growing--as is the number of teaching monks with advanced education--and the reconstruction of monasteries continues. However, restrictions remain, especially at those monasteries with close ties to

foreign organizations. Monks who study abroad are often prevented from returning to their home monasteries outside of the TAR. There continue to be reports of monks and nuns outside of the TAR who have left monasteries and nunneries to avoid the patriotic education campaigns, which force them to choose between signing oaths with political content or possibly suffering serious consequences if they refuse to do so. (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 traditionally Chinese, such as Buddhism and Taoism, has been greater than that for Christianity. However, 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 nationwide. The Government has stated that there are 10 colleges conducting Islamic higher education and 2 other Islamic schools in Xinjiang operating with government support. 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.

Regulations restricting Muslims' religious activity, teaching, and places of worship continued to be tight in Xinjiang, and the Government dealt harshly with Muslim adherents who engaged in political speech and activities that the authorities deemed separatist. AI reported that Jelil Turdi, an ethnic Uighur from Xinjiang, who had been living in Kyrgyzstan for 3 years, was deported back to China for allegedly separatist activities. In October Wang Lequan, secretary of the Xinjiang Party Committee reminded Party members that "cadres at all levels should adhere consciously to Marxist atheism. Do not believe in religion, do not take part in religious activities." Provincial-level Communist Party and government officials repeatedly called for stronger management of religious affairs and for the separation of religion from administrative matters. For example, the official Xinjiang Legal Daily reported that in recent years a township in Bay (Baicheng) County had found cases of "religious interference" in judicial, marriage, and family planning matters. In response the authorities began conducting monthly political study sessions for religious personnel. In addition they required every mosque to record the numbers and names of those attending each day's activities. The official Xinjiang Daily reported that Yining County early in the year reviewed the activities of 420 mosques and implemented a system of linking ethnic cadres to mosques in order to improve vigilance against "illegal religious activities." The authorities also initiated a campaign to discourage overt religious attire such as veils and to discourage religious marriage ceremonies. There were numerous official media reports that the authorities confiscated "illegal religious publications" in Xinjiang. According to a July report of the International Coalition for Religious Freedom, since April 1996, only one publisher, the Xinjiang People's Publication House, has been allowed to print Muslim literature in Xinjiang. Human Rights Watch also reported a tightening of control over the teaching materials, curricula, and leadership of mosques and religious schools in 1999. HRW also reported that six imams from Hotan City and Karakash County were detained toward the end of 1999 in part for non-compliance with religious regulations and for failing to teach government policy at religious meetings.

Religious/ethnic tensions began to rise in September in Shandong Province when a non-Muslim merchant improperly labeled meat as being fit for consumption by observant Muslims. Disputes and insults between Muslims and non-Muslims followed, leading to angry demonstrations that led to a clash with police. In mid-December, according to an official press report, police clashed in Yangxin County with Muslim Hui, who were protesting a lack of respect for their religion. The police killed 6 Hui and injured 19; 13 police officers also were injured. According to foreign press reports, the Hui casualties occurred when police fired on the crowd of protesters after they refused to disperse. Following a central government and Party investigation, the Shandong provincial authorities fired the Yangxin County party secretary, the head of the Yangxin County government, and the chief of the county's Public Security Bureau.

In some areas, particularly in areas traditionally populated by the non-Central Asian Hui ethnic group, there is substantial religious building construction and renovation. Some young Uighur Muslims study outside the country in Muslim religious schools.

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, there have been nongovernmental reports that fewer persons have made the pilgrimage since 1998; according to some estimates, less than 2,500 persons went in 1999 and 2000. There are many more Muslims in the country with the means and desire to participate in the hajj than are allowed to do so, leading to official corruption in granting permission to participate in the pilgrimage. There are conflicting reports as to the ability of Uighur Muslims to go on pilgrimage.

The Government takes some steps designed to show respect for the country's Muslims, such as offering congratulations on major Islamic holidays. 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 the end of 1999, 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. 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.

In January bishops of the official Catholic Church, without consulting the Holy See, consecrated 5 new official church bishops on the same day that the Pope consecrated 12 new Roman Catholic bishops in Rome. This was also the day on which the Pope historically consecrates bishops chosen for special recognition. Some bishops of the official church reportedly refused to attend the Beijing ceremony, which was seen as a deliberate affront to the Vatican. In June a new bishop was ordained in Hangzhou by several bishops, including one of those ordained in January. On the October 1st anniversary of the founding of the People's Republic, the Vatican canonized 120 saints with ties to China, 86 of whom had been killed during the Boxer Rebellion. The state-run media sharply criticized the canonizations. These incidents and the tensions between the Government and the Vatican have caused leadership problems for the official Catholic Church. Some bishops in the official Catholic Church are not recognized by the Holy See, although many have been recognized privately. Some church members and other clerics within the official Catholic Church have indicated that they are unwilling to accept the authority of bishops ordained without Vatican approval.

The Party's Central Committee issued a document on August 16, 1999, calling on the authorities to tighten control of the official Catholic Church and to eliminate the underground Catholic Church if it does not accede to Government control. There are many longstanding vacancies in the official Catholic administration, particularly among bishops, and there are reports that the RAB and the official church patriotic association are pressuring the church to fill the vacancies quickly. In recent months, there has been increasing pressure by the Chinese Catholic Patriotic Association, the Religious Affairs Bureau, and police authorities on the underground church to join the official church.

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. There 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.

The ongoing growth of unofficial Christian churches continued to cause 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. Both Catholic and Protestant underground churches came under increasing pressure during the year. 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 buildings, extortion of "fines," interrogation, detention (sometimes prolonged), and at times beatings and torture to harass unofficial Christian religious figures and followers. In April the Fujian Provincial Government convened a meeting of religious affairs workers in order to exhort them to "ensure stability in religious circles and lead religious circles in making new and greater contributions to socialist material and spiritual civilization." At the meeting, a provincial leader also called on all religious affairs workers to "firmly establish a Marxist outlook on religion." Implementing regulations, provincial work reports, and other government and party documents continued to exhort officials to enforce vigorously government policy regarding unregistered churches. Since 1998 Guangdong Province has had highly restrictive religious regulations. In 1999 Zhejiang Province also promulgated 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.

Authorities particularly 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, usually were tolerated by the authorities as long as they remained 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. 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. Some were forced into hiding. According to a Hong Kong human rights organization, on March 2, 15 members of the China Evangelistic Fellowship were arrested while holding a service in Nanwang City, Henan Province. Two of the group's leaders, Jiang Qinggang and Hao Huaiping, reportedly faced reeducation-through-labor sentences. The director of the Government's RAB had labeled the fellowship publicly as a "cult" at the end of 1999. There were reports in May that local authorities in Zhejiang Province had closed down seven Catholic churches because they failed to join the official Catholic Church. In May Father Jiang Shurang, an underground priest in Zhejiang Province, was sentenced to 6 years in prison for illegally printing Bibles and other religious material. Roman Catholic Bishop Zeng Jingmu, released from a labor camp in 1998, was reportedly rearrested in Jiangxi on September 14 during the visit of a high-ranking foreign Cardinal; the Government denied those reports. The whereabouts of Roman Catholic Bishop Su Zhimin, whose followers report 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. Bishop Liu reportedly remained under house arrest in Zhejiang Province. According to a Freedom House report, in the last half of 1999, four Catholic bishops reportedly were detained or arrested for refusing to join the official church or for conducting unauthorized services. The four were Bishop Jia Zhiguo, Bishop Xie Shiguang, Bishop Lin Xili, and Bishop Han Dingxiang. All of the bishops reportedly were arrested for refusing to join the official church or for conducting unauthorized services. On February 10 in Fujian Province, a large group of police arrested 80-year-old underground Catholic Bishop Yang Shudao. The Government has denied that the elderly bishop is being detained and has claimed that he is receiving medical treatment. According to several NGO's, a number of Catholic priests and lay leaders were beaten or otherwise abused during the year. Underground Catholic Bishop Joseph Fan Zhongliang of Shanghai remained under surveillance and often had his movements restricted.

Some Protestant house church groups reported more frequent police raids of worship services and detentions than in previous years. According to the Jianghuai Morning Daily in Anhui Province, on April 9, police detained 47 members of the unregistered Full Scope Church, whose leader, Xu Yongze, was released from prison only in May, although his 3-year sentence ended in March. Although he was released from a labor camp, it is unclear whether Xu remains subject to some restrictions. According to the newspaper, six church leaders were to face criminal charges for organizing an "illegal sect," while eight others likely would receive "administrative" (usually meaning reeducation-through-labor) sentences. 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 worshippers to wait in public spaces for several consecutive days. Group members deny these charges. Xu's colleagues Qin Baocai and Mu Sheng are believed to continue to serve reeducation-through-labor sentences. Pastor Li Dexian was detained in April for 15 days, during which time he was forced into a crouch for 3 days, unable to sleep or use toilet facilities, with his wrists and ankles manacled together. Li also has been detained on other occasions and reports that in some instances he was beaten. According to credible reports, on May 16, 2000, seven house churches were raided in Guangdong Province. According to a press release of Christian Solidarity International, more than 10 house church leaders were arrested in the raids. Several house churches also were closed by the authorities. In May seven evangelical Christians were arrested in Henan for violating the "Three Designates" policy that limits religious services to specific venues, requires leaders to preach only within specific areas, and fixes the number of persons permitted to preach. In early August, police detained 31 members of an underground Protestant church in Hubei's Guangshui City. In Henan a week later, 12 members of an underground Protestant church were arrested. On August 23, police arrested 130 members of a house church headquartered in Fangcheng City, Henan Province, after they held services with 3 foreign members of a Protestant fellowship organization. Authorities stated that the Fangcheng church was a "cult" that had been banned. On August 25, the three foreign church members were released and deported; they reported being beaten while in custody. According to NGO reports, 85 of those arrested from the Fangcheng church were charged on August 25 with crimes such as "using an illegal cult to obstruct justice."

Authorities also conducted demolition campaigns against unregistered places of worship. Beginning in early November, according to local press reports, officials in Wenzhou, Zhejiang Province, and surrounding areas began a campaign to close or destroy, sometimes with explosives, hundreds of unregistered Protestant churches and Buddhist and Taoist temples. Wenzhou has a long Christian history and reportedly counts several hundred thousand Christians among its population. It has been estimated that approximately 450 churches and temples were destroyed during the weeks prior to December 25 in Wenzhou, and as many as 1,200 churches and temples were closed or destroyed in surrounding areas of Zhejiang Province during that time. Officials stated that the places of worship that were closed and destroyed were targeted because they were unregistered and therefore illegal; however, according to some observers, many of the places of worship had attempted to comply with regulations regarding registration, but their paperwork had never been finalized by the RAB. According to some reports, the authorities carried out the campaign due to concern that there were too many unregistered places of worship in the Wenzhou and Luoyang areas, and that too many Party members were joining such groups. Authorities reportedly used criteria such as registration status and the degree of government control (measured by the existence of a Party-approved management committee and the participation of clergy in political study sessions) as criteria for targeting places of worship. Although the campaign appeared to have been carried out at the initiative of local religious affairs officials, central government authorities did not criticize the action or take any measures to reprimand those responsible. Two persons who tried to stop a demolition were arrested and sentenced to 2 years of reform-through-education. According to press reports, in 1999 more than 20 unregistered Catholic churches were demolished, some with explosives, by the authorities in Changle and other localities in Fujian Province. The churches were destroyed on the grounds that they had been built without the required permit or had been built with the wrong type of permit (such as with a permit for a building other than a church). Most of the churches reportedly were built by local congregations with the aid of remittances from relatives working abroad.

The increase in the number of Christians has resulted in a corresponding increase in the demand for Bibles. During 1999 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 1999, including Bibles in Braille and minority dialects, such as Korean, Jingbo, Lisu, Lahu, Miao, 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; the situation has, however, improved in recent years due to improved distribution channels, including through 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.

In recent years, some local authorities, especially in northeastern China, have subjected worship services of alien residents to increased surveillance and restrictions. In other areas, authorities have displayed increasing tolerance of religious practice by foreigners. Weekly services of the foreign Jewish community in Beijing have been held uninterrupted since 1995, and High Holy Day observances have been allowed for more than 15 years. The Shanghai Jewish community was allowed to hold services in an historic Shanghai synagogue, which had been restored as a museum. 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 coming of the Apocalypse, or holy war) or that have charismatic leaders 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 authorities deem to be an antigovernment, counterrevolutionary "cult." Since the early 1980's, authorities repeatedly have detained, fined, or imprisoned its members. 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. Others acknowledge that some individuals may be exploiting the reemergence of interest in religion for personal gain. In October 1999, as part of its anti-Falun Gong crackdown, the Government passed a law outlawing "cults." According to reports, the crackdown on the Falun Gong led to a tightening of controls on all nonofficially sanctioned beliefs. Recent regulations require all qigong groups to register with the Government. Those that did not were declared illegal.

Since mid-1999 the Government has waged a severe political, propaganda, and police campaign against the Falun Gong spiritual movement; the campaign intensified significantly during the year. 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 as many as 100 million adherents worldwide. Some experts estimate that the

true number of Falun Gong adherents lies in the tens of millions. Despite the mystical nature of some of Li's teachings, Falun Gong does not consider itself a religion and has no clergy or formal places of worship. In July 1999, 3 months after 10,000 Falun Gong adherents had demonstrated peacefully in front of the Zhongnanhai leadership compound in Beijing, the Government officially declared Falun Gong illegal and began a nationwide crackdown. Around the country, tens of thousands of practitioners were rounded up and detained for several days--often in open stadiums--under poor and overcrowded conditions, with inadequate food, water, and sanitary facilities. Practitioners who refused to renounce their beliefs were expelled from schools or fired from jobs. The China Education Daily reported that "political thought and morality" assessments of applicants to take university exams were expanded to include questions to determine whether applicants were members of Falun Gong. Some detainees were government officials and Communist Party members. A few high-ranking practitioners were forced to disavow their ties to Falun Gong on national television. Government officials who were practitioners were required to undergo anti-Falun Gong study sessions and were prohibited from Falun Gong activities; some were expelled from the Party for refusing to recant their beliefs. The authorities waged an intense propaganda campaign against the group, seized and destroyed Falun Gong literature, and attempted to shut down Falun Gong Internet web sites. Also in July 1999, the Government issued a warrant for the arrest of Falun Gong leader Li Hongzhi, who was charged with holding demonstrations without appropriate permits and disturbing public order. The Government requested INTERPOL's assistance in apprehending Li, who resides abroad, but INTERPOL declined to assist, on the grounds that the offense was not a crime recognized under the INTERPOL charter, and that the request was political in nature. Late in the year, President Jiang Zemin announced that the campaign against the Falun Gong was one of the "three major political struggles" of 1999. The crackdown on "cults" intensified in late 1999, with press reports stating that restrictions would be tightened on several "cults" and various Christian groups. In late October 1999, as part of the Government's anti-Falun Gong crackdown, the Standing Committee of the National People's Congress adopted a decision to ban "cults," including Falun Gong, under Article 300 of the Criminal Law. Under the decision, cult members who "disrupt public order" or distribute publications can receive prison terms of 3 to 7 years. Cult leaders and recruiters can be sentenced to 7 years or more in prison.

Although the vast majority of practitioners detained later were released, those identified by the Government as "core leaders" were singled out for particularly harsh treatment. On November 30, 1999, Vice Premier Li Lanqing stated that authorities detained over 35,000 practitioners between July 22 and October 30 1999 (the Government later clarified Li's statement, noting that the figure represented the total number of confrontations of police with adherents and that many persons had multiple encounters with police). In August the Director of the Religious Affairs Bureau stated that 151 Falun Gong practitioners had been convicted of leaking state secrets, creating chaos, or other crimes. According to credible estimates, as many as 5,000 Falun Gong practitioners have been sentenced without trial to up to 3 years of reeducation through labor. Human rights organizations estimate that as many as 300 practitioners have been sentenced to prison terms of up to 18 years for their involvement in Falun Gong. According to the Falun Gong, hundreds of its practitioners have been confined in mental hospitals.

Police often used excessive force when detaining peaceful protesters, including some who were elderly or who were accompanied by small children. During the year, there were numerous credible reports of abuse of Falun Gong practitioners by the police and other security personnel, including police involvement in beatings, detention under extremely harsh conditions, and torture (including by electric shock and by having hands and feet shackled and linked with crossed steel chains) (see Sections 1.a and 1.c.). Various sources report that approximately 100 or more Falun Gong adherents died during the year while in police custody; many of their bodies reportedly bore signs of severe beatings and/or torture, or were cremated before relatives could examine them (see Section 1.c.). Gao Xianmin died in police custody on January 17, 2000. Credible reports indicate that Gao, who was detained with a group of fellow practitioners in Guangzhou on December 31, 1999, was tortured while in custody, including by having high-density salt water forced into his stomach. Police gave no explanation for his death. On February 17, 60-year-old Chen Zixiu was detained in Weihai, Shandong Province, as she attempted to travel to Beijing to join peaceful protests there. Over the next several days, her family received word from another detainee that Chen was being beaten. On February 21, local police informed the family that Chen had died. According to family members, her body was covered with bruises and her teeth and nose were broken. According to press reports, Zhou Zhichang, a practitioner imprisoned in Heilongjiang Province since September 1999, died in custody in May 2000, after an 8-day hunger strike. Practitioners Li Zaiji and Wang Paisheng died in custody during the first 2 weeks of July, according to one NGO. One practitioner reportedly died after a feeding tube was mistakenly inserted into her lung rather than her stomach.

Practitioners defied ongoing government efforts to prevent them from protesting in Beijing. Protests (by individuals or small groups of practitioners) at Tiananmen Square occurred almost daily. Demonstrations also continued around the country. Police quickly broke up demonstrations, often kicking and beating protesters, and detained them. Most protests were small and short-lived as expanded police units quickly detained anyone who admitted to being or appeared to be a practitioner. Hundreds of practitioners reportedly were arrested at Tiananmen Square in February during lunar New Year protests, forcing a brief closure of the Square. Large numbers were arrested while protesting on March 5 (opening of the National People's

Congress), April 25 (the anniversary of the 1999 Zhongnanhai demonstration), and May 11 (reportedly Falun Gong founder Li Hongzhi's birthday). Hundreds of Falun Gong practitioners were detained after peaceful protests in Tiananmen Square during the week of July 22, the anniversary of the Government's ban on the group. Despite a heavy security presence, on October 1, the anniversary of the founding of the PRC, hundreds, and perhaps more than 1,000, peacefully protesting practitioners were again arrested in Tiananmen Square, forcing a brief closure of the square. The press, in an unprecedented move, stated that the groups caused disturbances lasting 40 minutes. The Government later labeled Falun Gong a reactionary group attempting to subvert the State. On October 26, another mass protest marking the anniversary of the passage of 1999's Anti-cult Law was held at Tiananmen Square; more than 100 Falun Gong practitioners reportedly were detained. Many reportedly were beaten. Over the next few days, many more practitioners were arrested in Tiananmen Square. An estimated several hundred Falun Gong practitioners were also detained after protesting in Tiananmen Square over the 1999-2000 New Year holiday; many were beaten during their arrests.

Authorities also briefly detained foreign practitioners (however, it remains unclear whether the authorities were aware that such persons were foreigners). For example, in February, a U.S. citizen practitioner was detained for 3 days. In November, another foreign citizen was sentenced to 3 years of reeducation through labor for Falun Gong activities. On November 23, Falun Gong practitioner and foreign resident Teng Chunyan was tried on charges of providing national security information to foreigners, reportedly for providing foreigners with information about the Government's campaign against Falun Gong. On December 12, she was sentenced to 3 years of reeducation-through-labor. Several foreign reporters also were detained briefly on April 25, after having taken photographs of police detaining Falun Gong demonstrators on Tiananmen Square. Foreign tourists routinely had their film and videotape confiscated after recording (often inadvertently) Falun Gong detentions.

According to credible reports, authorities have confined some practitioners to psychiatric hospitals. AI reported that, on January 20, a Changguang Police Station spokesman confirmed that about 50 "extremist" Falun Gong practitioners had been placed in a psychiatric hospital near Beijing and cited reports from Falun Gong practitioners that the practitioner's families were asked for fees to cover living expenses in the hospital.

According to the local press, in November several persons accused of printing and distributing Falun Gong literature were arrested in Chaoyan, Liaoning Province. According to Amnesty International, two sisters, Li Xiaobing and Li Xaiomei, who owned a bookstore were sentenced on January 28 to 7 and 6 years in prison, respectively. They reportedly had been arrested in July 1999, just prior to the ban on Falun Gong, were held incommunicado without charge for 3 months, and were tried in secret. Many others have been arrested and sentenced to prison terms or terms of reeducation through labor for providing information about the crackdown on Falun Gong or abuses against Falun Gong practitioners to others, including the foreign media (see Sections 1.f. and 2.a.).

There have been reports that Falun Gong practitioners are no longer able to obtain passports.

During the year, the authorities also continued a general crackdown on other groups considered to be "cults," often using the October 1999 decision to ban cults under Article 300 of the Criminal Law. The Zhong Gong qigong group, which reportedly had a following rivaling that of Falun Gong, was banned under the anti-cult application of the Criminal Law, and its leader, Zhang Hongbao, was charged with rape, forgery, and illegal crossing of boundaries. Zhong Gong practitioners deny the charges. Zhong Gong, like other qigong groups, teaches that the body's vital forces, or qi, can be harnessed for healing purposes and spiritual growth through meditation and spiritual exercises. According to a news report, a local Zhong Gong leader in Zhejiang Province, Chen Jilong, was convicted in January of illegally practicing medicine and was sentenced to 2 years in prison. Two leaders of other qigong groups also 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 qigong practitioners, and there are reports that some qigong practitioners now fear practicing or teaching openly. There were reports that 14 unofficial Christian groups and a Buddhist organization (known as Guanyin Famin) were branded by the Government as "evil sects," as well. In August police in Jiangsu arrested Shen Chang, the leader of a qigong group, and charged him with organizing gatherings aimed at disturbing social order and tax evasion.

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

The Government restricts freedom of movement within the country and restricts the freedom to change one's workplace or residence. The effectiveness of the Government's national household registration/identification card system, used to control and restrict the location of an individual's residence, 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 other restrictions on freedom of movement, and it toughened 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 (there are an estimated 3 million or more "floaters" in Shanghai alone). 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 some 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. Members of the "floating" population are subject to being detained, fined, and sent to custody and repatriation centers by the authorities, where they may be required to work off their fines. Many are "repatriated," or sent back to the areas they came from by the authorities (see Section 1.d.).

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.). 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.

Dissidents reported that the authorities restricted their freedom of movement during politically sensitive periods or while foreign dignitaries visited China (see Section 1.f.).

As part of the crackdown on Falun Gong, authorities tried to prevent practitioners from traveling to Beijing, particularly in July and in October (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 a total of more than 5 years in reeducation-through-labor camps on separate occasions 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. The authorities released Bao Tong, a former Zhao Ziyang aide in 1997, but continue to monitor his activities closely with constant surveillance, at times preventing him from meeting with others (see Sections 1.f. and 2.a.). One Tiananmen activist is not permitted to return to his home province even though he completed a 1-year sentence and was released in the early 1990's. Some individuals have also had their freedom of movement curtailed when their public appearance might be deemed politically sensitive. 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. Zhao was allowed to visit Sichuan briefly in June and has been allowed about one trip outside of Beijing per year.

There is evidence that official poverty alleviation programs and major state projects, such as the Three Gorges Dam and environmental/reforestation projects, include forced relocation of persons.

The Government permits legal emigration and foreign travel for most citizens. Passports are increasingly easy to get. 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 (see Section 2.a.). 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. Members of the underground Catholic Church, especially clergy wishing to further their studies abroad, found it difficult to obtain passports and other necessary travel documents (see Section 2.c.). The Government continued efforts to attract back to the country persons who had studied overseas. 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 the country's laws. Some Falun Gong members reportedly had difficulty in obtaining passports during the year, but this does not appear to be a national policy.

There also were instances when the authorities refused visas or entry on apparent political grounds. Some foreign academics with contacts with the dissident community also have been refused entry visas repeatedly. International observers and human rights organizations reported that they could substantiate claims that border control stations keep background records of certain individuals who are to be denied entry. Authorities

have denied these reports.

The Government does not provide first asylum. However, since the late 1980's, the Government 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 U.N. High Commissioner for Refugees (UNHCR) as asylum seekers. The Government has permitted these persons to remain 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 other countries. As yet there are no laws or regulations that authorize the authorities to grant refugee status, but the Government reportedly continued to draft working rules on granting such status. The Government cooperates with the UNHCR when dealing with the resettlement of ethnic Han Chinese or ethnic minorities from Vietnam and Laos also resident in the country; the Government is less cooperative when dealing with some other refugees.

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.

In January seven persons granted refugee status by the UNHCR in Russia were deported to China, where authorities then forcibly returned them to the DPRK. There have been no reported refoulements by the Chinese Government since the January incident. In April, according to press reports, a group of approximately 60 North Koreans were forcibly repatriated after they protested conditions in a Tumen city border guard holding facility; the protests reportedly became violent. According to various observers, the number of migrants forcibly returned to North Korea during the year was far higher than in 1999, and unconfirmed reports said that some returnees faced persecution, including fines, beatings, incarceration, and perhaps even execution.

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

Citizens do not have the right to change their Government peacefully 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, people's 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 at least to some degree, many county and provincial elections are competitive, with more candidates running than there are seats available.

According to the Constitution, the National People's Congress 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 to 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 continued 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 authorities have arrested nearly all of its most important leaders. Scores of CDP members were detained in cities throughout the country in the period prior to the 10th anniversary of the Tiananmen massacre in 1999. The CDP's three best known leaders--Wang Youcai, Xu Wenli, and Qin Yongmin--were sentenced in December 1998 to prison terms of 13, 12, and 11 years respectively. Since December 1998, at least 25 core leaders of the CDP have been sentenced to long prison terms on subversion charges. In February Xu Wenli's assistant, Liu Shizun, was sentenced to 6 years for subversion. Also in February, Shanghai member of the CDP, Dai Xuezhong, was sentenced to 3 years in jail. In July after a 90-minute trial, Chen Zhonghe, founder of the Hubei branch of the CDP, and Xiao Shichang were sentenced to 7 years and 5 1/2 years in prison respectively on subversion charges. In June Li Guotao was arrested in Shanghai; on June 28 he was sentenced to 3 years' reeducation through labor for demanding the release of CDP members. Shanghai dissidents Li Guotao, Cai Guihua, Yao Zhenxiang, Fu Shenping, and Dai Xuewu were taken into custody on many occasions throughout the year (see Section 1.d.). Prior to the June 4 anniversary of the Tiananmen Square massacre, Li Guotao was rearrested in Shanghai and charged with spreading reactionary publications, instigating disturbances, and disturbing the social order (apparently in connection with a letter he and others sent to the Mayor of Shanghai, protesting the arrest of dissident Dai Xuewu and requesting his release); on

June 28 he was sentenced to 3 years' reeducation through labor for demanding the release of CDP members. Dai Xuewu, the brother of imprisoned dissident Dai Xuezhong, also was arrested in Shanghai prior to the June 4 anniversary of the Tiananmen Square massacre and charged with the theft of a cell phone; in August he was sentenced without a trial to 3 years of reeducation through labor.

Despite CCP control of the Government, limited 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 subgovernment level local 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 have boosted 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 village committee members. However, all provinces and provincial level cities and regions have now held at least one village-level election. 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 have been fair. However, many villages have yet to hold truly competitive elections. The Government estimates that one-third of all elections have serious procedural flaws; some rebalotting occurs when irregularities are significant. Approximately another third are judged to have satisfied central Government guidance and the law, which requires use of secret ballots to select candidates. Successful village committee elections have included the use of secret ballots to select candidates, 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 local electoral process, and roughly 60 percent of the members elected to the village committees are Communist Party members. In many villages, villagers are given ballots with a space for write-in votes; in at least one case, a write-in candidate won. 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 to endanger the leading role of the Communist Party. The elected village committees are not part of the formal government structure and have no formal constitutional role. 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.

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 allegedly 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 in 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. Another experimental township election during 1999, the "two ballot" vote in Guangdong Province's Dapeng township, which was explicitly authorized by the National People's Congress, allowed groups of 100 or more citizens to nominate candidates. A township-wide conference of local leaders from various institutes then 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, although they make up approximately 9 percent of the population. 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

The Government does not permit independent domestic nongovernmental organizations to monitor publicly human rights conditions, and there are no independent domestic NGO's that comment on human rights conditions. It is difficult to establish an NGO, and the Government tends to be suspicious of independent organizations; most existing NGO's are quasi-governmental in nature and are closely controlled by government agencies (see Section 2.b.). 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 Democracy 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 such reports 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 any fundamental improvements in the Government's human rights practices. In November the United States and China agreed in principle to resume the bilateral human rights dialog that was suspended by China in 1999. By year's end the dialog had not been scheduled yet. In recent years, the Government has expanded greatly the number and frequency of judicial and other types of legal exchanges with foreign countries.

In May the U.N. Committee Against Torture issued a report expressing concern about continuing allegations of serious incidents of torture, especially involving Tibetans and other national minorities. It recommended that the country incorporate a definition of torture into its domestic law in full compliance with international standards, abolish all forms of administrative detention (including reeducation through labor), promptly investigate all allegations of torture and provide training courses on international human rights standards for police, among other things (see Section 1.c.). Government officials that appeared before the Committee stated that the country has done a great deal in recent years to address torture by officials but noted that problems remain in supervising the judicial system. On November 20, the Government signed a Memorandum of Understanding (MOU) with the U.N. High Commissioner on Human Rights (UNHCHR) that was designed to help the country comply with the terms of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, which the Government has signed but not ratified. The MOU outlined the types of programs to further human rights that are to be implemented by the Government and the UNHCHR. Such programs are to include human rights education for judges, prosecutors, and police; other human rights education programs; the publication of reports; and fellowships for experts to study abroad. However, no agreement has yet been reached concerning a visit to the country by the U.N. Special Rapporteur on Torture, which has been under discussion since 1999.

#### 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, but there is no national law specifically targeting domestic violence, although proposed amendments to the

1980 Marriage Law are aimed in part at providing protection against spousal abuse. In recognition of the seriousness of spousal abuse, 13 provinces and provincial-level cities have passed legislation to address the problem. 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. A July survey report by the All-China Women's Federation found that violence occurs in 30 percent of families, with 80 percent of cases involving husbands abusing their wives. The survey implies that one in four married women suffers abuse. 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. The July survey found that domestic violence occurs at all socioeconomic levels. According to some experts, many women do not report domestic violence to the police because, even when appropriate legislation exists, local law enforcement authorities frequently choose not to interfere in what they regard as a family matter. Nonetheless in two recent cases in Liaoning Province, men were successfully prosecuted for severe cases of domestic violence. Despite an increasing awareness of the problem of domestic violence, there are no shelters for victims of domestic violence. Rape is illegal.

Female infanticide, sex selective abortions, the abandonment of baby girls, and the neglect of baby girls remain problems due to the traditional preference for sons, and the family planning policy, which strictly limits urban couples to one child and rural couples to two. Regulations forbid the termination of pregnancies based on the sex of the fetus, but many families, especially in rural areas, have used ultrasound to identify female fetuses and terminate pregnancies. The use of ultrasound for this purpose is prohibited specifically by the Maternal and Child Health Care Law, which came into effect in 1995 and mandates punishment of medical practitioners who violate the provision. However, according to the SFPC, only a handful of doctors have been charged under this law. 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 abandoned children eventually admitted to orphanages are female, although some are males who are either disabled or in poor health. Children put up for foreign adoption are almost exclusively girls. The neglect of baby girls that results in lower female survival rates are also factors. Female babies also suffer from a higher mortality rate than male babies, contrary to the worldwide trend. One study found the differential mortality rates to be highest in areas where women have a lower social status, where economic and medical conditions are poor, and where family planning regulations are strictly enforced (although the correlation for this factor was weak). 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. However, in July the Liaoshen Evening News reported that in a township of Liaoyang county, the male to female sex ratio was 306/100 for second children born between 1992 and 1999. After operating for 7 years, an illegal sex determination clinic was exposed when an outraged citizen called the Liaoyang City mayor's hot line. According to demographers in the country, currently there may be as many as 100 million more men than women. The state-run media are 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; in the rural areas that preference continues.

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.

Central government policy formally prohibits the use of force to compel persons to submit to abortion or sterilization; however, the intense pressure to meet family planning targets set by the Government has resulted in documented instances in which family planning officials have used coercion against women, including forced abortion and sterilization, to meet government goals.

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 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 the country 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; other estimates have placed the number as high as 200,000 or more. 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 sex workers, the U.N. Convention on the Elimination of Discrimination Against Women (CEDAW) Committee in December 1998 recommended that due attention be paid to health services for female prostitutes. 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.

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, and social and economic pressures due to the rapid shift to a market economy are among the leading causes.

There were credible reports of trafficking in persons, and the kidnaping of women for sale into prostitution or marriage is a serious problem (see Sections 6.c. and 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. There have been reports that due to the lack of legal protections and to women's increasing economic vulnerability, many victims of sexual harassment do not report it out of fear of losing their jobs. However, experts state that more women are raising their concerns about sexual harassment because of greater awareness of the problem.

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 increasingly are 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 regressed during 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. For example, at Fudan University in Shanghai, the Women's Study Center with the support of Shanghai's labor union has established a hot line to inform workers, mainly women, of their legal rights. Nevertheless, women frequently encounter serious obstacles in getting laws enforced. According to legal experts, it is very hard to litigate a sex discrimination suit because the vague legal definition makes it difficult to quantify damages. As a result, very few cases are brought to court. Some observers also have noted that the agencies tasked with protecting women's rights tend to focus on maternity-related benefits and wrongful termination during maternity leave rather than sex discrimination or sexual harassment. The structure of the social system also prevents women from having a full range of options. 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 the 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 constituted 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 required 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, women's salaries, on

average, were 80 to 90 percent of the salaries of their male counterparts. However, a recent Government survey found that women were paid only 70 to 80 percent of what men received for the same work. Most women employed in industry work in lower skilled and lower paid jobs.

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 women are semi-literate or illiterate, compared with 10 percent of men. The Government's "Program for the Development of Chinese Women (1995-2000)" set as one of its goals the elimination of illiteracy among young and middle-aged women by the end of the century. The main priority was 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.

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.

### Children

The Constitution provides for 9 years of compulsory education for children (see Tibet addendum); however, 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 mandatory 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 charity-financed 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. Local municipalities do not provide them with supplies or financial support. Because the schools are not licensed, their graduates may not be admitted to high school. Many of these schools reportedly do not offer education beyond grade six, also making it difficult for migrant children to obtain further education. Migrant schools are in constant danger of being closed by the authorities. The government campaign for universal primary school enrollment by 2000 (which was not met by year's end) has helped to increase enrollment in some areas; however, it also reportedly has led to school officials inflating the number of children actually enrolled.

An 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 abandonment or mistreatment 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). However, in July the Liaoshen Evening News reported that in a township of Liaoyang County, the male to female sex ratio was 306/100 for second children born between 1992 and 1999. Part of the statistical gap may be attributable to female infanticide, sex-selective termination of pregnancies, and abandonment or neglect of girls. The 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 abandoned children eventually admitted to orphanages are female, although some are males who are either 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 denied basic care and food. Accurate determination of infant mortality rates in orphanages is difficult, but rates appear to be high at many, especially among new arrivals. However, conditions in some other orphanages appear to be adequate, if Spartan. Medical professionals frequently advise parents of disabled children to put the children into orphanages.

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. Since the mid-1990's, foreigners were first banned and then subjected to far more restrictions in visiting orphanages than previously.

In recent years, some privately run orphanages (not funded by the State) have started to operate, in which conditions may be generally better for children. In areas where such orphanages operate, some state-run orphanages have exhibited a willingness to learn from them and to adopt some of their more modern practices.

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 reportedly are detained administratively in custody and repatriation centers, either for minor crimes that 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 (sometimes for labor purposes), these problems persist in some rural areas (see Sections 6.c. and 6.f.). Girls and women are trafficked and sold as brides, and boys may be trafficked to provide sons for couples unable to have one. On May 30, two persons convicted of trafficking in children were executed in Jiangxi Province, and one was executed in Guizhou Province.

#### 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, and many do not receive or have access to special assistance or to programs designed to assist them. Misdiagnosis, inadequate medical care, pariah status, and abandonment remain common problems. According to reports, parents of disabled children often are persuaded by doctors to place their children in large government-run institutions, often far from their

parents, and in which care is often substandard. Those parents who choose to keep such children at home generally face difficulty in getting adequate medical care, day care, and education for these children. In a 1998 speech, Vice Premier Li Lanqing noted that in the past decade, the Government had 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. 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 their 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.

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.

Deng Pufang, son of the late paramount leader Deng Xiaoping, is a paraplegic who 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 80 percent the enrollment rate for disabled students, and reducing to 20 percent the unemployment rate for disabled workers; as of year's end, the goals had not been met.

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 in 1999, may eliminate the age-based incentive for the adoption of children with special needs.

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 and may include being forced to perform labor.

#### 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 total 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 (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 among minorities in some areas, such as Xinjiang and Tibet; however, the Government does not officially recognize racism against minorities or tension among different ethnic groups as problems. The media nonetheless often denounce racism and call for equal treatment.

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 1996 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 the majority 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 Turkic majority (including Uighurs) 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 the 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. 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 schoolage 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 the 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 1999 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, the Government decided to withdraw from consideration for World Bank funding a project to resettle some 58,000 ethnic Han, Hui Muslim, and Tibetan farmers in a traditionally Mongolian and Tibetan area (Dulan county in Haixi Tibetan-Mongolian Autonomous Prefecture, Qinghai Province) as part of a poverty alleviation program. In June 1999, the World Bank's Executive Board had approved the project with the condition that an independent inspection panel investigate whether the project was in compliance with World Bank standards. After the inspection panel concluded that bank standards were violated, the Government withdrew the Qinghai project from bank consideration and stated that it would finance the project domestically.

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. According to a February report by Human Rights Watch, the pace of executions and imposition of long prison terms for suspected separatists in Xinjiang increased during 1999, and there were more frequent public sentencing rallies during the year. In March a Xinjiang court sentenced Rebiya Kadeer, a prominent Uighur businesswoman and former member of the provincial-level Chinese People's Political Consultative Conference, to 8 years in prison on charges of "passing state intelligence" to foreigners; according to an official press report, the intelligence she was accused of passing included newspaper articles and a list of names of persons whose cases had been handled by the courts. During her trial, Kadeer was not allowed to speak to her lawyer, according to foreign press reports. In November according to foreign press reports, her appeal was rejected. Kadeer, her son, and her secretary were arrested while on their way to meet a visiting foreign delegation in August 1999. Kadeer's son and secretary were sentenced administratively to 2- and 3-year reeducation-through-labor terms, respectively, in November 1999. Kadeer is reported to be in poor health but has been unable to get adequate medical treatment. Many foreign observers believe Kadeer was singled out for her activism on behalf of Uighurs and for her husband's involvement with Uighur causes and Radio Free Asia in the United States. In April a Xinjiang court upheld a lower court in sentencing a Uighur man to 15 years in prison and sentencing 17 of his accomplices to prison terms ranging from 1 to 14 years. The 18 were found to have possessed "illegal publications and audio cassette tapes with reactionary contents" and to have assembled with the intention of undermining national unity, according to the official media. In June a court in Xinjiang's capital handed down death sentences against four men found guilty of "splitting the country, intentional manslaughter, robbery" and other crimes, according to an official news report. Amnesty International reported that Zulikar Memet was executed secretly on June 21 for helping separatists. In July official media reported that the same court had ordered the execution of three "national separatists" who in

1997 allegedly had established a "Party of God" and subsequently trafficked in explosive materials and engaged in murder, larceny, robbery, and rape. In August 1999 Amnesty International issued a report documenting 210 death sentences and 190 executions in Xinjiang since 1997. According to AI, thousands of persons have been detained arbitrarily, including some for their suspected support of the separatist cause. AI reports that many Uighurs detained for political reasons in Xinjiang between 1990 and 1998 are believed still to be in custody. According to foreign press reports, Abdulhelil Abdumijit was tortured to death 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. Because the Xinjiang Uighur Autonomous Region government regularly lumps together those involved in "ethnic separatism, illegal religious activities, and violent terrorism," it is often unclear whether particular raids, detentions, arrests, or judicial punishments involve ethnic discrimination.

Possession of separatist publications or audiovisual materials is not permitted, and, according to reports, possession of such materials has resulted in lengthy prison sentences. The author of a history of the Uighurs that was severely criticized by provincial-level and national authorities in the mid-1990s remains prohibited from publishing or from meeting with foreigners. A Uighur-language press exists in Xinjiang, but it has a very small circulation, and much of the population depends on market rumors 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.

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.

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. By some estimates, 250,000 Han have moved into the region annually in the last few years. 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 Han receive a disproportionate share of the benefits. The majority of Uighurs are poor farmers, and 25 percent are illiterate.

## 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, and true freedom of association does not exist. The Communist Party controls the country's sole officially recognized worker's organization, the All China Federation of Trade Unions (ACFTU). Attempts to form independent unions are suppressed swiftly. The 1992 Trade Union Law gives the ACFTU effective control over the establishment and operations of all legal subsidiary labor organizations. The head of the ACFTU is a member of the Standing Committee of the Central Committee of the Communist Party.

Independent labor unions are illegal. The 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 590,000 "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. In the past decade or more, numerous attempts were made to establish independent unions. Following the signing of the International Covenant on Economic, Social, and Cultural Rights in 1997, a number of labor activists have petitioned the Government to establish free trade unions, as allowed under the covenant. The Government had not approved the establishment of any independent unions by year's end.

Under the country's planned economy, the ACFTU's main task has been to assure labor discipline, mobilize workers to achieve party objectives, including national economic development goals, and protect worker welfare and interests. However, in practice the majority of ACFTU-affiliated unions function primarily as social organizations, arranging recreational activities for workers, such as movie nights, picnics, and charity drives.

In the face of rising unemployment, unions have played a more active role on behalf of unemployed workers, who have grown to over 20 million with the restructuring of state-owned enterprises. The ACFTU claims that, through mid-year, it had established over 4,000 job placement centers and more than 6,500 professional training programs, benefiting over 3 million unemployed workers. Since 1999 the ACFTU has also contributed over \$50 million (RMB 390 million) to displaced workers in difficult circumstances. Some categories of unemployed workers are entitled to unemployment benefits for as many as 5 years, but many have not received their full entitlements, primarily because of funding problems in the social security system.

The work force totals approximately 740 million persons, including roughly 540 million rural workers. 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 unions in their enterprises, and there have been no reports of repercussions for the 5 percent of workers in the state-owned sector who have not joined. In recent years 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 and over 2 million members in private (nonstate domestic) enterprises at year's end. However, the vast majority of enterprises in China's burgeoning private sector, which according to official statistics employs roughly 20 million workers, do not have a union. Approximately 10 percent of private firms have a Communist Party representative among the workforce, whose nominal task is to defend workers' interests. Military and security personnel are the only categories of workers who cannot join a union.

The ACFTU has submitted to the Government draft amendments to the Trade Union Law, which would strengthen the right of private sector workers to form or join ACFTU-affiliated unions. These draft amendments are still under consideration. However, workers in many joint ventures and foreign-invested enterprises have some form of worker organization, even though they do not have unions. These organizations are not part of the ACFTU but usually have Communist Party members within their leadership. Like unions, the organizations work with management on labor issues but serve primarily to arrange social activities for workers. They do not engage in collective bargaining with management. According to members, these organizations have more flexible and direct dealings with enterprise management, since they are not subject to ACFTU strictures.

There are roughly 540 million rural workers, the overwhelming majority of whom are not organized. Farmers do not have a union. However, farmers have written millions of letters to the central and local governments to express their views on working conditions, and government officials have been reasonably responsive. There are approximately 125 million agricultural workers in TVE's. The ACFTU has attempted in recent years to recruit TVE workers, but only 5.2 million had joined as of 1999. 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.

In 1999 migrant workers began to form semiautonomous "village labor unions" on the rural outskirts of some cities in order to represent their interests in new private sector industries. These nascent, loosely organized groups continued to operate, but they reportedly did not grow in size or scope. Local governments have not interfered in their activities, although these organizations have not yet been brought formally within the ACFTU. According to some domestic press reports, these village unions are effective, relatively independent, and cooperative with city governments.

During the year, the Government continued its efforts to eliminate illegal union activity, including through detention or arrest of labor activists. In mid-December labor activist Cao Maobing was detained and admitted against his will to a psychiatric hospital in Yancheng, Jiangsu Province, where he reportedly also was forced to take medication. At year's end, he remained at the facility. According to press reports, Cao led workers at a local silk factory in an effort to form an independent labor union after they concluded that the official ACFTU would not help them address their grievances. Workers' grievances included alleged corruption on the part of factory management, the nonpayment of promised worker subsidies, and unpaid pensions. In mid-November 1,800 of the workers reportedly began a strike. Cao was arrested soon after he spoke to Western reporters about efforts to set up an independent union; reportedly, he suffered from no apparent mental illness. According to a report by the General Secretary of the International Metalworkers Federation, near Funing, workers at textile factories, a brewery, and a fertilizer plant have attempted unsuccessfully to form independent unions. In December 1999, authorities in Henan Province committed Xue Jifeng to a mental hospital after he attempted to establish an independent labor union to support workers harmed in a financial fraud. He was held until June (see Section 1.d.). In May Zhang Shanguang, the founder of the short-lived Association to Protect the Rights and Interests of Laid-off Workers, lost an appeal against a 1998 10-year prison sentence for providing "intelligence" to foreigners. Zhang had informed a Radio Free Asia reporter about worker protests in Hunan Province. Labor activist Liao Shihua, originally arrested in 1999 on subversion charges after taking part in a workers' demonstration in Hunan, was sentenced in June to 6 years in prison. Yue Tianxiang, Guo Xinmin, and Wang Fengshan, who established the "China Workers Watch" organization to defend workers' rights, were arrested in 1999 and sentenced to 10 years, 2 years, and 2 years in prison, respectively, for

subversion. Wang was released in August, but Yue and Guo remained in prison. He Chaohui, who was given a 10-year prison sentence in 1999 for providing human rights organizations with information on worker protests, remained in prison. He had previously served 2 years in prison in the 1980's for illegal union activities and had more recently organized worker demonstrations in Hunan. In 1999 he was convicted for providing human rights organizations overseas with information on protests. Liu Jingsheng, who received a 15-year prison sentence in 1995 for attempting to organize independent labor unions, also remained in prison. Shanghai labor dissident Wang Miaogen disappeared in 1999, and some observers believe that he is being held in a psychiatric hospital.

In June the Government released labor activists Li Wangyang and Zhang Jingsheng from prison. Li and Zhang were sentenced in 1989 to 13 years in prison after they cofounded the "Autonomous Federation of Workers" and participated in the Tiananmen Square demonstrations. Zhang had earlier served a 4-year prison sentence for taking part in the 1979 Democracy Wall Movement. Li was released from prison on bail in 1996 but was reincarcerated in 1997.

Neither the Constitution nor the labor law provides for the right to strike. The right to strike was removed from the Constitution in 1982 on the grounds that the political system had eradicated problems between workers and enterprise owners. The Communist Party exerts strong control over organized labor. Strikes are not sanctioned officially, and workers virtually never act through unions to obtain concessions from management by means of work stoppages. Accurate statistics on strike incidents are not available. However, labor disputes have risen in recent years; according to the Labor Ministry, there were 8,150 labor disputes in 1992, and over 120,000 in 1999. During the year, there continued to be numerous demonstrations by workers and retired workers protesting unpaid wages, benefits, pensions, or unemployment stipends. Workers also protested continuing large-scale layoffs that have been prompted by industrial restructuring. Most demonstrations were short and nonviolent, with participation ranging as high as the thousands. Government authorities generally responded with minimal force and refrained from detaining large numbers of participants. However, in several cases, demonstrations disrupted access to railway lines or other public facilities and were suppressed by force. For example, in February mine workers in Liaoning Province clashed with police and military officers for 3 days after the closure of a mine was announced; the miners, although given a severance package, were owed 18 months' wages (see Sections 1.c. and 2.b.). Workers were also angry over the alleged corruption of the factory bosses. The area was briefly placed under martial law. In May up to 2,000 unpaid workers reportedly protested at their factory and at local government offices in Liaoyang, Liaoning Province; the police eventually broke up the demonstration. Dozens were reported injured, and three persons were arrested. In December the Information Centre for Human Rights and Democracy reported that 2,000 construction workers in Heilongjiang Province who had not been paid in 2 years briefly blocked a railway line. In at least one city, Shenyang, local government officials banned public demonstrations effective July 20 (see Section 2.b.), although demonstrations continued to take place. Authorities in some cases provided funds to alleviate wage or benefit arrearages in response to the demonstrations.

The Labor and Trade Union laws give unions the role of mediators with management in cases of labor disputes. Under these laws, the formal dispute settlement procedure allows cases to be submitted first to an enterprise's mediation committee, whose chairman should be a union representative. If the dispute remains unresolved, or if either party chooses to bypass the mediation process, the case may then be submitted to a local arbitration committee, which should include representatives from the union, management, and local government. If no solution is reached at this level, the dispute may be submitted to the courts. Nationwide there are approximately 270,000 enterprise labor dispute mediation commissions and more than 3,100 labor dispute arbitration commissions set up under Ministry of Labor and Social Security auspices. There are 1,569,000 full- and part-time enterprise mediators and more than 17,000 labor arbitrators. The number of labor disputes has risen rapidly in recent years. According to statistics released during the year by the Ministry of Labor and Social Security, arbitration committees nationwide handled over 120,000 labor disputes in 1999, nearly double the 1998 figure and quadruple the 1995 number. According to a 1999 report of the International Confederation of Free Trade Unions (ICFTU), these mediation efforts are often preferential to employers and largely are ineffective in advocating worker rights.

The country is a member of the International Labor Organization (ILO) and has ratified core ILO conventions prohibiting child labor and discrimination in remuneration for male and female workers. China has not ratified other core conventions regarding the right of association, the right to collective bargaining, and the prohibition against compulsory labor. The Government has worked closely with the ILO for several years on programs in such areas as industrial relations, employment promotion, and occupational safety.

The ICFTU brought a complaint against the Government to the ILO 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 1999. Later in 1999, the ILO's governing body found the response inadequate and requested the Government to provide additional information. The Government has not yet replied to the request.

There are no legal provisions allowing for individual unions to affiliate with international labor organizations. However, the ACFTU has cultivated relations with international trade union organizations. 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 and regions. Over the past year, roughly 60 official ACFTU delegations traveled overseas to meet and study with trade union counterparts. During the year, the ACFTU for the first time received a visit from the head of the ICFTU.

#### b. The Right to Organize and Bargain Collectively

The Labor Law permits collective bargaining for workers in all types of enterprises. The law also provides for workers 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 scales, and hours of work. Individual contracts which are 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, 75 million workers in over 360,000 enterprises worked under contracts that were negotiated in this fashion as of mid-June 1999.

In spite of these legal and procedural provisions for collective bargaining, workers in collective and state-owned enterprise have little real power to influence wage levels, although small number of workers with high level technical skills can negotiate effectively on salary and fringe benefits. MOLSS sets guidelines for determining the total wage bill for each collective or 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 Communist Party secretary and the ACFTU.

Worker congresses, which are held once or twice a year, have been established in over 314,000 enterprises. ACFTU officials publicly have called for strengthening worker congresses--particularly on the sale and merger of enterprises. Enterprise employees or their representatives attend to examine enterprise policies and reform plans. Participants are supposed to be entitled to evaluate and, if necessary, dismiss enterprise managers. Unions, in consultation with management, are supposed to implement resolutions passed by the congresses. However, these rights have not been realized in practice. Many worker congresses are 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 strict top-down control of organized labor activity, and Communist Party control of unions, instances of reprisals or discriminatory action by management against unions are uncommon. The Government ratified ILO Convention 100 on discrimination in 1990.

Laws governing working conditions in special economic zones (SEZ's) are not significantly different from those in the rest of the country. Wages in the SEZ's and in the southeastern part of the country generally are higher than in some 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. Some foreign businesses in the SEZ's have ACFTU-affiliated unions, and management reports positive relations with union representatives. One reason is that the ACFTU discourages strikes and work stoppages.

#### c. Prohibition on Forced or Compulsory Labor

The law prohibits forced and bonded labor, but 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 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 note government publications that document the export of products made with prison labor. Regulations bar the export of prison-made goods, but these regulations are not enforced effectively. In 1998 there were reports that soccer balls, manufactured for a foreign company, 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 products produced by prison labor. It also allows U.S. officials, with the approval of the Government, to visit prison production facilities to check specific allegations that prisoners in these facilities have produced goods

exported to the U.S. A statement of cooperation (SOC) detailing specific 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. diplomats and Chinese authorities, since 1997 Chinese authorities have permitted only one U.S. inspection of prison facilities. In April the Ministry of Justice met with U.S. Embassy officials to discuss prison labor after having declined to do so for 3 years. In September the Ministry permitted U.S. Embassy officers to visit the Dezhou Shengjian Machine Works in Shandong Province, a site that was the subject of a longstanding visit request. No evidence was found to support allegations that prison labor there had been used to produce items exported to the U.S. During the year, the Ministry of Justice made no response to seven requests—one dating back to 1992 and several dating back to 1994—for visits to sites suspected of exporting prison labor products to the United States. U.S. officials also renewed requests, some dating back to 1994, for the Ministry of Justice to investigate 10 other facilities suspected of exporting prison labor products. The Ministry of Justice did not respond to any of these additional 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 working 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.

According to press reports, in June more than 2,300 inmates at the Shangrao labor camp staged a strike in protest against forced overtime doing the intensive labor of ore milling. After camp officials called in over 500 armed police to suppress the strike, a riot occurred. In the incident, 3 persons were killed and more than 70 were wounded (see also Sections 1.a. and 1.c.).

Trafficking in women, and the kidnaping and sale of women and children for forced prostitution, are serious problems (see Sections 5 and 6.f.).

The law prohibits forced and bonded labor, including that by children, and the Government on balance is believed to enforce the prohibition effectively, except in regard to the problem of trafficking in children for forced prostitution (see Sections 5 and 6.f.) and of child labor in custody and repatriation centers (see Sections 1.d., 1.e., and 5). During the year, the media (including domestic media) reported several cases in which children were alleged to have been compelled to work (See section 6.d.).

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

The Labor Law specifies that, with a few strictly-supervised exceptions, "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 specifies administrative review, fines, and revocation of business licenses of those businesses that illegally hire minors. The law also stipulates that children are to receive 9 years of compulsory education and that parents or guardians should 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. The Government adopted ILO Convention 138 on the minimum age of employment in 1999. The Government has not adopted ILO convention 182 on the worst forms of child labor. The Government also has not made a public statement on the eradication of such labor or established a national program with that objective.

The Government maintains that the country does not have a significant child labor problem, although Government officials concede privately that isolated cases of illegal child labor exist. Of the country's approximately 300 million children, the number who are working in contravention of ILO conventions or the law is unclear. Since 1999 the ILO has attempted unsuccessfully to secure central government consent to conduct studies on the national scope of illegal child labor. Local experts on child labor estimate that the number is in the tens of thousands and that the overwhelming majority of children involved work voluntarily, with family encouragement. These experts say that working children are mostly from rural areas in the interior provinces, where lagging economic conditions in recent years have led families to seek additional sources of income.

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. Apart from agricultural work, child workers in rural areas appear to work primarily for TVE's. In urban areas, they may take up such jobs as car washers, garbage collectors, and street vendors. Some academics suspect that coal mines, which often operate far from urban centers and out of the purview of law enforcement officials, also occasionally employ children.

Moreover a leading labor analyst states that the growing flow of adult workers from rural areas to urban areas in search of better paying jobs has created a shortage of labor in some rural industries, mines, and agriculture. This has led to increased child labor in these areas as children are recruited to fill these jobs. In July a Hong Kong newspaper reported that a factory in Fujian Province employed child laborers. In August the same newspaper reported that a foreign fast food chain had been issuing promotional items in Hong Kong that were produced with child labor by a company in Guangdong Province. The company stated that it previously had inspected the factory without finding evidence of child labor.

Trafficking in children for purposes of labor is a problem. While there are no reliable estimates of the number of children trafficked for all purposes, those trafficked for purposes of labor are estimated to be the majority. Children trafficked to work usually are sent from poorer interior areas to relatively richer interior areas or large cities; traffickers reportedly often entice parents to relinquish their children with promises of large remittances that their children will be able to send back to them. Many such children work in small factories. Rising school tuition fees and declining rural incomes discourage many rural parents from keeping their children, especially girls, in school beyond the fourth grade and make such offers more attractive. The children's remittances, along with bribes paid by traffickers to authorities, have made investigation into the scope of the problem difficult. During the year, the media gave unprecedented coverage to illegal child labor cases, fueling concerns in nongovernment circles that child labor was a bigger problem than acknowledged by the Government. Media reports publicized a campaign against the trafficking of women and children that was launched in April by the Ministry of Public Security and the All-China Women's Federation (ACWF), the government agency responsible for the enforcement of child labor legislation (see Section 6.f.). Also in April, a story about the rescue of 84 children who were taken from Guizhou Province and forced to work in a Zhejiang Province factory appeared on television. Newspapers and radio stations later reported on traffickers deceiving families and placing children in difficult working conditions.

The ILO and UNICEF have begun cooperation with local government officials and the All-China Women's Federation to assist child victims of trafficking, some of whom were trafficked for forced labor purposes. In August the ILO launched a program with local Government officials in Yunnan Province to reenroll former child workers in school.

#### 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 local governments set minimum wage levels higher than the levels they set for 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.

Media reports note that in many industries, including textile and garment manufacturing, compulsory overtime is common, and that on occasion, there is no provision of extra pay for overtime. There are also media accounts of workers being prevented from leaving factory compounds without permission.

The MOLSS has implemented a nationwide system to provide unemployment benefits to laid-off urban workers and basic living stipends to the poorest urban residents. There are 20 million laid off and unemployed workers in an urban workforce of about 240 million (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 1999 the Government raised both unemployment benefits and basic living stipends by 30 percent, despite reports that a number of cities had difficulty funding benefits and stipends even before the increase. While there were no additional increases during the year, these funding problems persisted, particularly in the poorer northeastern and interior provinces. The cities with the highest minimum standard incomes were Shenzhen, Guangzhou, Shanghai, and Beijing at \$39 (RMB 319), \$38 (RMB 312), \$34 (RMB 280), and \$31 (RMB 260) per month, respectively. Less developed cities such as Hohhot (Inner Mongolia) and Nanchang (Jiangxi Province) raised minimum standard incomes to \$17 (RMB 143) and \$16 (RMB 130) per month, respectively. However, many workers

reportedly are not receiving the benefits they are entitled to, because the state-owned enterprises and governments are unable to contribute to the funds that pay them (see Section 6.a.).

According to statistics published by the National Bureau of Statistics (NBS), the annual per capita income of urban residents in 1999 was \$705 (RMB 5,854), an increase of 8 percent in real terms from 1998. The per capita income of rural residents was \$266 (RMB 2,210), a real increase of 2 percent from the previous year. NBS figures for the first 9 months of the year indicated that urban incomes were growing by 8.4 percent, while rural incomes were increasing by only 2.5 percent, widening the already large gap between the living standards of the 800 million rural residents and those of urban workers. Economists have estimated the ratio between average urban incomes in southern coastal Provinces and rural incomes in interior Provinces at 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 enterprises. The poor enforcement of occupational health and safety regulations continues to put workers' lives at risk. Working conditions in the private sector often are poor. 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 40 million of the country's 200 million industrial workers. Every work unit must designate a health and safety officer, and the 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 President Jiang Zemin called for a concerted effort to improve occupational safety after industrial accidents reached an all-time high of 18,268 in 1997. According to official national statistics, the number of industrial accidents declined 16 percent from 1997 to 15,372 in 1998 and fell another 14 percent to 13,258 in 1999. Compared with 1998, deaths stemming from accidents in 1999 declined 14 percent to 12,587, and the number of seriously injured workers fell 12 percent to 4,936. However, in 1999 there were 96 industrial accidents in which 10 or more people died, an increase of 16 percent over 1998. During the year the State Economic and Trade Commission said that the number of industrial deaths and injuries was still excessive and faulted poor safety supervision by business enterprises. 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.

Industrial accident statistics for Shenzhen and Guangdong, which have been reported by the Chinese and foreign media, suggest that official national statistics may be understated. According to press reports in April, an investigation by the Workers Daily found that 15,000 serious accidents occurred in Shenzhen's 9,582 factories in 1999, of which 12,189 were handled by the local Labor Bureau. The investigation also found that on average 31 workers per day were injured in work-related accidents that left them permanently disabled, and 1 worker died as a result of a work-related accident every 4 1/2 days. The China Machinery Daily reported in 1999 that there were over 20,000 cases of industrial injuries per year in Guangdong. The same newspaper also reported that about 50,000 persons nationwide lose fingers yearly in industrial accidents.

As in 1998, the overall improvement in industrial safety in 1999 was due largely to a decrease in mine accidents, which in past years have accounted for more than half of all industrial accidents. Compared with 1998, the number of mine accidents declined 20 percent in 1999 to 4,516 (representing one-third of all industrial accidents). While mining deaths fell 18 percent to 7,705 in 1999, that number still represented nearly two-thirds of all industrial deaths. The decline was primarily the result of a continuing national drive that, for both safety and economic reasons, has shut down approximately 36,000 small, unlicensed coal mines since 1998. 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. Private sector workers in particular fear the loss of their jobs if they complain about working conditions. Workers who are permanently disabled in work-related accidents generally are fired, leaving them without a means of support or often even a place to live. Workers who are injured, killed, or sickened on the job or who are exploited by their employers often have little effective recourse, being unable to afford the expense of legal remedies, and are not compensated. However, there are a very few private attorneys who specialize in such cases, and there are some legal aid organizations which can assist workers in such cases.

#### f. Trafficking in Persons

Trafficking in persons and the abduction of women for trafficking (particularly within the country) are serious problems. The country is a source and a destination point for trafficking in persons. 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. Two persons reportedly were executed in May in Guangxi Province for drugging, raping, and selling three women. That same month, a man was executed in Guangdong Province for trafficking in women. On May 30, two persons convicted of trafficking in children were executed in Jiangxi Province and one was executed in Guizhou Province. In October four men in Jiangsu Province reportedly were executed for selling women, for between \$180 and \$480 each, into forced prostitution and pornographic exploitation. In November a man was sentenced to life in prison for smuggling more than 277 persons into other countries.

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; other estimates have placed the number as high as 200,000 or more. 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, and it is estimated that the majority of women trafficked within the country are trafficked for this purpose. 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 makes 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 where the male to female ratio is generally balanced. Guangdong Province also is a receiving point for women trafficked for the purposes of marriage.

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. Trafficking of North Korean women into the country to become brides or to work in the sex industry is reportedly widespread in the northeastern part of the country. Many such women, unable to speak Chinese, are virtual prisoners. Some if not many of the Korean women are sold against their will to rural men--in both ethnic Korean and ethnic Han areas--who have difficulty finding wives in their home villages. Others end up working as prostitutes. According to press reports, North Korean brides were sold for the equivalent of between \$38 and \$150. Women reportedly also were trafficked from Vietnam into China for purposes of forced marriage.

According to press reports, trafficking victims have been detained by the authorities in custody and repatriation centers before being returned home (see Sections 1.d. and 1.e.).

Chinese women are being trafficked to other countries for work in a variety of forced labor situations, most commonly sweatshops and the sex industry. Reports indicated that women were trafficked to destinations including Malaysia, Burma, Taiwan, Australia, Japan, the United States, and Canada; most apparently were from impoverished areas. 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. Ethnic Chinese gangs trafficked most of these women to Malaysia. Most Chinese women trafficked to Australia reportedly are from Shanghai, Hong Kong, and Guangzhou.

Despite Government efforts to prevent kidnaping and the buying and selling of children, trafficking in children also is a problem, affecting all provinces (see Sections 5 and 6.c.). There are no reliable estimates of the number of children trafficked. Domestically most trafficked children are sold to couples unable to have children; in particular, boys are trafficked to couples unable to have a son. Children also are trafficked for labor purposes. Children trafficked to work usually are sent from poorer interior areas to relatively richer interior

areas; traffickers reportedly often entice parents to relinquish their children with promises of large remittances that their children will be able to send back to them (see Section 6.d.). In mid-year, the Government emphasized the use of DNA technology to confirm parentage, and the Ministry of Public Security reportedly has invested millions of dollars to establish a national DNA databank. Since December 1998, the authorities also have reported an increase in the number of children being trafficked to other countries by alien smugglers for purposes of forced prostitution (see Sections 5 and 6.c.).

Alien smuggling rings also traffic persons to other countries, including Australia, Canada, Croatia, Japan, the United States, Italy, and other countries in Europe and around the world, to work in domestic service, restaurants, sweatshops, and other businesses. It has been estimated that as many as 100,000 persons leave the country each year in search of better economic opportunities. Most are from a few counties in Fujian Province, a relatively prosperous region by the country's standards. Authorities in Italy reported in 1999 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 counterfeit brand name products. Alien smuggling rings often have ties to organized crime and are international in scope, sometimes smuggling persons through third countries in order to facilitate their entry into the destination country. An NGO reported that traffickers frequently rely on the collusion or active involvement of officials. In late 1999, authorities in the U.S. and Canada began to find persons smuggled from China in shipping containers on cargo ships arriving from Hong Kong; in the first 3 weeks of the year alone, according to press reports, more than 100 persons had been found in shipping containers in ports on the west coast of Canada and the United States. In one case, 3 trafficked persons were found dead in one poorly provisioned and unsanitary shipping container; another 15 survived their ordeal, but 7 of the survivors required hospitalization. In January two Chinese nationals were charged with attempting to smuggle persons from China into the United States. According to press reports in December 1999, 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 and \$50,000 (248,000 to 410,000 RMB) each for their passage. On June 19, customs officials in the United Kingdom, conducting a routine inspection, found the bodies of 58 Chinese men and women in the back of a Dutch tomato truck that had crossed the English Channel on a ferry from Belgium. Two persons were found alive near the rear door of the truck. The doors had been sealed, and although the truck was equipped with refrigeration units, they were not turned on, despite the high temperatures that day. It was not immediately clear whether the victims died due to a lack of air, or to the heat, or both. Most of the victims were from Fujian Province. British officials arrested the truck driver on charges of manslaughter and immigration law violations; two Chinese nationals in the UK also were arrested. Dutch officials arrested another two persons in connection with the case. Press reports indicated that trafficked persons traveling clandestinely on trucks from the European continent into England have long been a problem.

Those trafficked by alien smugglers may pay high prices, reportedly up to \$70,000 each, for their passage to other countries. Many trafficked persons find themselves working in situations akin to indentured servitude. Upon arrival, many traffickers reportedly forced trafficked persons to repay 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. Other smugglers threaten the families of trafficked persons with harming a trafficked person if the family does not pay the smuggling fees immediately, leaving the trafficked person to work to repay the debt the family has incurred on his or her behalf back home. Nonetheless many are able to save money and send it home to relatives. Trafficked persons generally live and work under poor conditions, 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.

Trafficked persons who are repatriated may face fines for illegal emigration 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, although some have been sentenced to death.

Although the central Government and various provincial and local governments have attempted to crack down on the sex trade and thus on one type of trafficking, there have been numerous credible reports in the media of complicity in prostitution by local officials. Thus far actions to stop this lucrative business, which involves organized crime groups and business persons as well as the police and the military, have been largely ineffective. However, in April the Ministry of Public Security, along with the All-China Women's Federation and other departments, launched a several-month-long campaign against trafficking in women and children. Official media reported that 110,000 women and 13,000 children who had been trafficked were rescued during the campaign; some were trafficked for purposes of prostitution, and others for labor. According to press reports, at least eight persons convicted of trafficking women and children for prostitution were executed during the campaign. At least seven others were sentenced to long prison terms. The Government also established a national telephone hot line on abduction, as well as a national databank on victims and traffickers. Nongovernmental experts observed that the mid-year national campaign against trafficking focused primarily

on the criminal aspects of the trafficking problem and less on the reintegration of victims into their communities, despite the involvement of the All-China Women's Federation.

## 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. The 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 numerous 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 spring and summer. There were political protests by Tibetans in a number of ethnic Tibetan areas, including outside of the TAR.

The Government's record of respect for religious freedom in Tibet deteriorated as TAR authorities imposed new, severe restrictions on many traditional religious practices and public manifestations of belief in urban areas during the spring and summer. In the fall, after a new Party secretary assumed power, there were some signs of moderation in the intensity of the crackdown. Local authorities in many areas were not enforcing the new restrictions on lower-level government employees, students, and others. However, tight preexisting restrictions remained in place for higher-level cadres and government workers. Activities viewed as vehicles for political dissent are not tolerated at any time and are promptly and forcibly suppressed. Individuals accused of political activism faced ongoing and serious persecution during the year. There were reports of the imprisonment and torture or the abuse of monks and nuns accused of political activism, the death of prisoners, and the threatened closure of monasteries.

The lack of independent access to prisoners or to prisons makes it difficult to assess the extent and severity of abuses and the number of Tibetan prisoners; however, there were numerous reports of detentions and other punishments meted out during the year. A large number of monks and nuns remain detained or imprisoned. A number of such cases were cited by the U.N. Special Rapporteur on Torture in his report to the 56th session of the U.N. Commission on Human Rights in the spring.

There are reports that those detained, including those who have been tried and those who have not, are frequently subjected to forced labor that is injurious to their health and, in some cases, life threatening. Forced labor is found in prisons, detention centers, reeducation-through-labor facilities, and at work sites where prisoners are used as work forces. Tibetans outside of detention settings at times engage in labor on public projects managed by local governments without remuneration in lieu of paying taxes in cash. Tibetans are reportedly discriminated against in employment in Chinese government manufacturing and other work sites. Other fundamental worker rights recognized by the International Labor Organization, including the right to organize and the right to bargain collectively, that are broadly denied in China are also denied in Tibet.

According to reports, the rate at which Tibetan political prisoners are dying in detention, or soon after their release, demonstrably as a result of abuse while in detention, is increasing. According to the Tibet Information Network (TIN), female political prisoners, particularly those held at Lhasa's Drapchi prison, are at the greatest risk: since 1987, 1 in 27 died while in prison or soon after being released. Drapchi's male political prisoners died at a rate of about 1 in 33 since 1987. Overall TIN reports a death rate of 1 in 50 for Tibetan political prisoners as of year's end.

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 sources reported the mistreatment and beatings of nuns in prison, including 24-year-old Ngawang Sangdrol, who was imprisoned at age 13, released 9 months later and resentenced at age 15; her prison sentence was extended for a third time in late 1998 to a total of 21 years for her involvement in demonstrations, most recently during May 1998. Ngawang Sangdrol reportedly has been beaten severely on multiple occasions because of repeated participation in protests at Drapchi prison; her health is poor and deteriorating, and she is not receiving adequate medical care, according to credible reports. 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. As a result of the May 1998 protests, 10 prisoners also had their sentences extended for periods of 18 months to 6 years. There are credible reports from a number of prisons that prisoners who resisted the 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. According to credible reports, punishments meted out to uncooperative prisoner leaders have resulted in hunger strikes among female prisoners on at least two occasions at Drapchi. Officials reportedly have resorted to lengthening periods of solitary confinement to isolate demonstrators. Authorities significantly increased prison capacity in Lhasa through the construction of additional cell blocks at Utritu prison and expansions at Drapchi prison.

In February 1999 TIN and the foreign press reported increased use of military-style drills and exercises (often in either very hot or very cold weather) at Lhasa's Drapchi prison. Prison officials reportedly force prisoners to run barefoot, to stand motionless for extended periods, and to march for extended periods while shouting patriotic slogans. Prisoners who fall behind or who cannot remain still are beaten severely. Prisoners also were treated badly in other prisons.

There were reported deaths and suicides of Tibetan prisoners. According to credible reports, Tashi Tsering, who attempted to raise the outlawed Tibetan flag with explosives tied around his waist during the National Minority Games in August, 1999, committed suicide in prison in February. Sonam Rinchen, a farmer, died in prison in January. He had been arrested for unfurling a Tibetan flag during a protest in 1992 and sentenced to 15 years in prison. According to TIN, Shol Dawa, a 64-year-old political activist, died in Drapchi prison on November 19; the circumstances of his death were not known, but he was said to be suffering from a kidney ailment, was in poor health, and had been subjected to mistreatment and beatings on several occasions in the last few years. He was reportedly serving a 9-year sentence for trying to compile a list of names of political prisoners to send out of Tibet and was convicted of "espionage." Shol Dawa had been imprisoned a few times, starting in 1981. In October TIN published detailed information about the deaths of nine prisoners after the May 1998 protests at Drapchi prison. In June 1998, five nuns reportedly committed suicide together after weeks of severe mistreatment (including being forced to stand motionless in the hot sun on a daily basis over a period of several days, with cups of water on their heads and pieces of paper under their arms) following their participation in the prison protests. The nuns, all in their twenties, had been imprisoned for taking part in peaceful protests. All were near the end of their terms. At least three monks and a criminal prisoner also died in Drapchi during 1998.

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. In April the Government told a visiting foreign delegation that he is "fine physically" but gave no further details.

Authorities reported that Ngawang Choephel, a Tibetan ethnomusicologist sentenced in 1996 to 18 years in prison on charges of espionage, was moved from the high security Powo Tramo prison in the TAR to another facility near Chengdu in Sichuan Province so that he could receive medical treatment. In August his mother, Sonam Deckyi, was allowed two 1-hour visits with her son in that Sichuan facility. She reported that he is very thin and that he has complained about pains in his torso. Also in August, he was said to be suffering from a variety of ailments, including digestive, urinary, kidney, and liver problems.

While there was limited political violence in Tibet during the year, an explosion occurred in Lhasa on October 26. Some have suggested that the explosion, which occurred outside of the offices of the government department that controls neighborhood activities and grassroots organizations, was politically motivated; however, whether the explosion was politically motivated has not been determined, and the blast may well have been a result of construction activity.

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 TIN the length of the average sentence of Tibetan political prisoners is lengthening. For those currently incarcerated, the average sentence is 8 years, 8 months. Since 1987 the average sentence imposed on all political prisoners is 4 years, 9 months.

A majority of judges are ethnic Tibetans, but most have little or no legal training. Authorities are working to address this problem 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 20 years in total. Such cases mainly concern actions in support of Tibetan independence; such activities 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 1999. Reportedly 80 percent of female detainees are nuns, and approximately 66 percent of male prisoners are monks. Officials from the Justice and Prison Administration Bureaus told a foreign delegation in April that of the 2,200 prisoners currently serving sentences

in the TAR (76 percent of whom were ethnic Tibetan, and 20 percent ethnic Han), 110 were incarcerated for "endangering state security," including approximately 30 nuns and 70 monks.

Refugee and other accounts published by NGO's report on the use of forced labor in prisons and other detention facilities in Tibet. Prisoners, usually working under production quotas, are forced to work in agriculture and lumbering, where the work is described as demanding, and accidents are frequent. Typically, forced labor in detention is without remuneration. Chinese law mandates that prisoners can be required to work up to 12 hours per day, with one rest day every 2 weeks (Article 53 of the Statute of Reform Through Labor). However, some refugees report that work requirements are more onerous than those set forth in the law. At Drapchi prison, male prisoners work in vegetable fields and in factories at the prison facilities. Female prisoners clean toilets and also are involved in tailoring, cleaning, or spinning and sorting wool to be used in the manufacture of carpets and sweaters. According to Human Rights Watch, some Tibetan prisoners are required to work beyond their terms of imprisonment. Prisoners in pretrial detention also are forced to work.

Promotion of family planning remains an important goal for the authorities in Tibet, but family planning policies permit most ethnic Tibetans, as well as other minority groups, to have more children than Han Chinese (who are subject to the same limits as citizens in other areas of the country--generally one child for urban couples and two for some rural couples). Urban Tibetans are permitted to have two children, while those in rural areas often have three or more. In practice Tibetans working for the Government, especially Communist Party members, are pressured to limit themselves to one child.

The Government tightly controls official visits, and delegation members usually have very few opportunities to meet local persons not previously approved by the local authorities. Foreigners, including international NGO personnel and foreign residents, were subject to travel restrictions during several periods over the summer, and many foreign groups reported increased restrictions on movements during the year. The Government also placed restrictions on the movement of Tibetans during sensitive anniversaries and events and increased control over border areas. In February up to 54 persons were detained by Chinese authorities as they tried to leave China and cross without proper travel documents into Nepal. Some were sentenced to prison terms of 2 to 3 years. Scores of ethnic Tibetans studying in India were similarly detained in the spring after entering China from Nepal, according to credible reports.

Some foreign NGO's reported restrictions on their activities and, in some cases, threats of expulsion. One foreign NGO was shut down during the year, and its foreign staff expelled. Many staff members and teachers of the Gyatso Children's Home, a Lhasa orphanage that was closed by officials in September 1999, remained in detention, according to reliable reports. Authorities allege that the home's personnel were engaged in corrupt activity and were linked to persons who carried out "acts of violence." Several of the more than 60 Tibetan children who lived at the home were left by officials to live on the streets. Others were sent to live with relatives or placed in local orphanages where conditions reportedly were 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, the Government does not tolerate religious manifestations that advocate Tibetan independence or any expression of separatism, which it describes as "splittism." The Government remains suspicious of Tibetan Buddhism in general because of its links to the Dalai Lama, and this suspicion also applies to Tibetan Buddhist religious activities or adherents who do not overtly demonstrate their patriotism for the State. The Government's record of respect for religious freedom deteriorated during the year as authorities imposed new, severe restrictions on many traditional religious practices and public manifestations of belief in the TAR's urban areas during the spring and summer. However, by autumn there were signs that authorities no longer were enforcing the new restrictions, and tensions abated somewhat. The Government harshly criticized 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 discredit the Dalai Lama and undermine the credibility of his religious authority, repeatedly described him 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 is an inseparable part of China and that Taiwan is a province of China.

The Government continued its "patriotic education" campaign aimed at enforcing compliance with government regulations and either cowing or weeding out monks and nuns who refuse to adopt the Party line and remain sympathetic to the Dalai Lama. The "patriotic education" campaign also is intended to increase the Government's control over the Tibetan Buddhist establishment. The "patriotic reeducation" of monks and nuns, which began in 1996 in Lhasa area monasteries and in subsequent years was intensified and extended

throughout Tibet and to monasteries outside of the TAR, continued but at a lower level of intensity. A new round of political education classes in monasteries began at the end of 1999 in Lhasa and in some smaller monasteries in more remote parts of the TAR. However, the current pattern of classes several times per week or per month seems less frequent than previously.

Official "work teams" remain in some monasteries and periodically visit others. Topics for such required classes include relations between Tibetans and Han Chinese, Tibet's historical status as a part of China, and the role of the Dalai Lama in attempting to "split" the country. According to regulations posted at the entrances of many monasteries, monks are required to be "patriotic," and authorities require monks to: Sign a declaration agreeing to reject independence for Tibet; reject Gendun Choekyi Nyima, 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 these terms were expelled from their monasteries and were not permitted to return home to work; others have been detained. Others were forced to leave their monasteries after failing to pass exams on these topics or being found "politically unqualified," and still others left "voluntarily" rather than denounce the Dalai Lama. Resistance to the campaigns has been intense, and the Government's efforts are resented deeply by monks, nuns, and lay Buddhists. Although there has been some reduction 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 and nunneries were disrupted severely, and monks and nuns have fled to India to escape the campaigns. Approximately 3,000 Tibetans enter Nepal each year to escape conditions in Tibet, according to the U.N. High Commissioner for Refugees; many of these refugees claim that they left because of the "patriotic reeducation" campaigns. The ban on the public display of photographs of the Dalai Lama continued, and such pictures were not readily available except illegally in many parts of the TAR.

Chinese authorities closely associate Buddhist monasteries with proindependence activism in Tibet. The Government has moved to curb the proliferation of monasteries, which it charges are a drain on local resources and a conduit for political infiltration by the Tibetan exile community. Chinese officials state that Tibet has more than 46,300 Buddhist monks and nuns and approximately 1,787 monasteries, temples, and religious sites. These numbers apply only to the TAR; thousands of monks and nuns live in other Tibetan areas of China, including parts of Sichuan, Yunnan, Gansu, and Qinghai Provinces. Officials have used these same figures for several years, although there are credible reports that the numbers of monks and nuns have dropped significantly at many sites in the TAR, especially since the beginning of the "patriotic education" campaign. The Government states that there are no limits on the number of monks in major monasteries and that each monastery's democratic management committee decides on its own how many monks the monastery can support. However, these committees are government controlled; and in practice the Government generally imposes strict limits on the number of monks in major monasteries. Some monasteries reportedly have been required to decrease the number of monks associated with them. The Government has the right to disapprove any individual's application to take up religious orders, although it does not always exercise this right. According to a TIN report, in the area around Lhasa, the numbers of monks and nuns in monasteries and nunneries fell during the summer, as part of a drive to restrict religious observance; 30 monks were expelled from the Jokhang temple in July. At year's end, 120 monks, the official quota, remained at Jokhang. Although by regulation monks are prohibited from joining a monastery prior to the age of 18, many younger boys continue the tradition of entering monastic life. However, many young novices, who traditionally served as attendants to older monks while receiving a basic monastic education and awaiting formal ordination, have been expelled from monasteries in recent years for being underage; the fact that these novices were not regular members of the monasteries has allowed authorities to deny that there has been a significant decline in the numbers of monks.

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. A 3-year drive to promote atheism and science, first announced in January 1999, originally aimed at government workers, continued and was extended to more government offices and to schools. The drive was launched to promote economic progress, strengthen the struggle against separatism, and stem "the Dalai clique's reactionary infiltration." Authorities threatened to terminate the employment of 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 authorities searched the homes of government workers for religious objects or pictures of the Dalai Lama.

During the spring and summer, authorities in Lhasa and other areas imposed new, severe restrictions on religious activities, prohibiting government and Communist Party officials from going into monasteries, visiting the Jokhang temple, having altars in their homes, participating in religious activities during the Tibetan New Year, or placing new prayer flags on their roofs (a traditional practice during the Tibetan New Year). There were also credible reports that some government employees were forbidden to make donations to monks and

nuns in Lhasa. In addition some government workers and Party members were told that they must withdraw their children from monasteries, nunneries, and exile schools in India and were threatened with the expulsion of their children from schools if the workers and Party members participated in forbidden religious practices. In some areas, private citizens also were prohibited from engaging in traditional New Year's activities such as placing prayer flags on the top of Bumpari (a mountain near Lhasa), burning incense, and making the traditional "lingkor" (pilgrimage circuit around the sacred sites of Lhasa) during the June festival of Sagadawa, the most important religious holiday in Tibetan Buddhism. A number of men in street clothes reportedly lined the lingkor route and attempted to film persons walking the traditional circuit. Government employees allegedly were threatened with dismissal if they made the lingkor. During spring and summer, some Tibet University students reportedly also were forbidden to visit monasteries or to have religious objects in their rooms. The homes of private citizens in Lhasa reportedly were searched for religious paintings ("thangkas"). However, enforcement of these restrictions reportedly relaxed slightly later in the year. According to TIN, in July 1999, new restrictions were imposed by the authorities to prevent celebration of the Dalai Lama's birthday; in July these restrictions reportedly were enforced more stringently than in 1999. Reports indicate that Tibetans were forbidden to hold traditional incense-burning ceremonies anywhere in Lhasa, and that some places of worship were closed on the Dalai Lama's birthday.

The Government continues to oversee the daily operations of major religious sites. The Government, which does not contribute to monasteries' regular operating funds, retains management control of the monasteries through the government-controlled democratic management committees and the local religious affairs bureaus. During 1999 the TAR Religious Affairs Bureau confirmed that its officers are members of the Communist Party, and that Party members are required to be atheists; however, it was not possible to confirm that members of the local religious affairs bureaus are atheists. Regulations restrict leadership of democratic management committees to "patriotic and devoted" monks and nuns and specify that the Government must approve all members of the committees. At some monasteries, government officials also sit on the committees. Despite these government efforts to control the Buddhist clergy and monasteries, antigovernment sentiment remains strong.

In January the Karmapa, the highest ranking lama of Tibetan Buddhism's Karma Kargyu school, fled from Tibet to India after he reportedly had been denied access to Kargyu teachers or permission to study with them in India. Soon after officials closed Tsurphu monastery, the home of the Karmapa, to visitors. Many other persons, including lay persons, were questioned in connection with the Karmapa's flight. There were reports that several high ranking TAR officials were called to Beijing after the Karmapa left Tsurphu to account for their actions. According to TIN, authorities replaced monks on the monastic management committee at Tsurphu after the Karmapa's flight, while other monks were admonished to improve their "political attitudes" or face further "patriotic education" sessions. Other officials and monks at the monastery reportedly were under investigation by the authorities. On December 6, foreign officials were allowed to visit the Tsurphu monastery, where approximately 325 monks were said to be in residence. There were few other visitors at the time, even though December usually is a popular time for pilgrims to visit. According to reports, no new monks have been permitted to enter Tsurphu monastery since the Karmapa left; however, religious activity continued at the monastery. Officials reportedly are stationed at the monastery; according to some Western visitors, the atmosphere there is still tense, and monks are reluctant to talk to foreigners.

The dramatic departure of the Karmapa added to tensions and increased the authorities' efforts to control monastic activity in the TAR. TIN reported that the Reting Monastery near Lhasa was closed to visitors in May after the arrest of eight monks for protesting the authorities' selection of 2-year-old Sonam Phuntsog in January as the seventh reincarnation of the Reting Rinpoche. During the summer, another young lama, the 7-year-old Pawo Rinpoche, reportedly was moved to Lhasa from Nenang monastery and was kept under house arrest. He is said to have returned to Nenang Monastery during the fall, where he remains under house arrest, with heavy security. He reportedly has been denied access to his religious tutors. The Pawo Rinpoche was recognized by the Karmapa and is one of the senior Karma Kargyu lamas remaining in Tibet. In December foreign officials were denied permission to visit Nenang Monastery.

TIN reported that the Taglung Drag Monastery in Lhasa municipality was threatened with closure and its monks with expulsion if they refused to denounce the Dalai Lama after monks from the monastery shouted proindependence slogans in two separate incidents in March and August 1999. "Patriotic education" activities reportedly were increased, and 16 of 24 monks reportedly left the monastery in September 1999 rather than denounce the Dalai Lama.

The flight of the Karmapa also has made the authorities pay more attention to illegal border crossings and tighten security on the borders with India and Nepal. As a result, greater numbers of Tibetans have been arrested trying to leave the TAR. According to credible reports, in May as many as 50 Tibetan students returning to Tibet from India were arrested at the Nepal-China border.

The Government approved the selection of 2-year-old Sonam Phuntsog on January 16 as the seventh

reincarnation of the Reting Rinpoche. A Tibetan government official stated that officials supervising religion should ensure that the boy "loves the Communist Party of China, the Socialist country, and Tibetan Buddhism" and that he help to "preserve the unity of the Chinese nation." The Dalai Lama, who by tradition would approve the selection of important religious figures such as the Reting Rinpoche, did not recognize this choice; many of the monks at Reting Monastery reportedly did not accept the child as the Reting Rinpoche.

The Panchen Lama is Tibetan Buddhism's second most prominent figure, after the Dalai Lama. The Government continued to insist that Gyaltzen Norbu, the boy it recognizes and enthroned in 1995, is the Panchen Lama's 11th reincarnation. The authorities tightly control all aspects of his life, and he has appeared publicly in Beijing and the TAR only on rare occasions. His public appearances were marked by a heavy security presence. At all other times, the authorities strictly limit access to the boy. Meanwhile repeated requests for access to Gendun Choekyi Nyima, the boy recognized by the Dalai Lama as the 11th Panchen Lama, by high-level foreign government and private delegations, including the U.N. High Commissioner for Human Rights, to confirm his well-being and whereabouts have been denied. In October Chinese officials showed foreign officials two photographs purportedly depicting the boy. Government officials have claimed that the boy is being held for his own protection and that he lives in Tibet and attends classes as a "normal schoolboy." The authorities also maintain that both boys are being well cared for and are receiving a good education. The vast majority of Tibetan Buddhists recognize Gendun Choekyi Nyima as the Panchen Lama. Tibetan monks have claimed that they were forced to sign statements pledging allegiance to the boy the Government selected as the reincarnation of the Panchen Lama. The Communist Party also urged its members to support the "official" Panchen Lama, and government authorities at both the regional and city levels had pictures of the boy printed for use in public and private religious displays.

The ban on the public display of photographs of the Dalai Lama continued, and such pictures were not readily available except through illegal means. Some monasteries and many individuals displayed them privately. In the spring, Lhasa area neighborhood committees began sending teams to the homes of ordinary citizens to confiscate books about and pictures of the Dalai Lama. Similar restrictions are in effect in Tibetan areas outside the TAR; although a few shops still quietly sell the Dalai Lama's photograph, the vast majority of monasteries no longer display his photo. The Government banned pictures of Gendun Choekyi Nyima, the boy recognized by the Dalai Lama to be the 11th reincarnation of the Panchen Lama. Portraits of Gyaltzen Norbu, the boy recognized by the Government to be the Panchen Lama, were on prominent display in some monasteries, as were sets of rules governing religious activity.

The Government claims that since the end of the Cultural Revolution, it has contributed sums in excess of \$40 million (300 to 400 million RMB) toward the restoration of tens of thousands of Buddhist sites, many of which were destroyed before and during that period, in part to promote the development of tourism in Tibet. However, at most sites, restoration efforts are funded privately.

There were reports of some Falun Gong practitioners among the Han minority in Tibet. In addition an official press report said that military authorities had become concerned over the practice by some soldiers of Zhong Gong, a qigong-based spiritual movement, prompting propaganda efforts aimed at eliminating the practice.

In June 1998, the European Union issued a report based on the trip of its ambassadorial delegation to Tibet in May 1998. 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

Tibet is roughly the size of Western Europe, having an area of approximately 1.2 million square kilometers. It has the smallest population of China's administrative regions with approximately 2.4 million inhabitants.

Tibetans, as one of China's 55 minority ethnic groups, receive preferential treatment in marriage and family planning policies, and, to a lesser extent, in university admissions and 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 Chinese, and most key decisions in Tibet are made by ethnic Han. 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 only 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 material living standards of many ethnic Tibetans, particularly by providing better transportation and communications facilities, but many of the benefits of development and the expanding commercial sector 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 and threatened traditional Tibetan culture.

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 and still in effect encourage a massive influx of Han Chinese into Tibet, which has the effect of overwhelming Tibet's traditional culture and diluting ethnic Tibetan demographic dominance. In recent years, 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. Discrimination in employment reportedly is rampant; ethnic Han are hired preferentially for many jobs and receive greater pay for the same work. Ethnic Tibetans reportedly are fired discriminatorily from some jobs. In addition many jobs require proficiency in Chinese (which gives Han an advantage). Connections also reportedly work to the advantage of the ethnic Han (who tend to be in the higher ranking positions), and it is more difficult for Tibetans to get permits and loans to open businesses than it is for ethnic Han.

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. Lhasa had a population of 139,683 in 1998. Some observers have estimated that at least half and perhaps more of Lhasa's residents are Han Chinese; elsewhere in the TAR, 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 lived in Tibet for years.

There are reports that malnutrition among Tibetan children is widespread in many areas of the TAR. This is particularly true of rural areas and has resulted in high rates of stunted growth among children. Nutritional deficiency ailments, such as goiter (from a lack of iodine), night blindness (from a lack of Vitamin A), and rickets are said to be relatively common among children in some areas.

Illiteracy and semiliteracy levels are high. According to official government statistics, 42 percent of persons in the TAR are illiterate or semiliterate. Illiteracy and semiliteracy rates are as high as 90 percent in some areas. 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 83 percent of eligible children attend primary school, according to official statistics, 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 of some subjects in Tibetan.

Tibet University, which has 3,000 students, was established to train Tibetan teachers for the local educational system. Ethnic Tibetans resent the disproportionate Han representation in the student body and faculty. Tibetans, officially said to constitute approximately 95 percent of the region's population, make up approximately 67 percent of Tibet University's student body and only 50 percent of the faculty. Although Tibetans are given admission preference, 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. According to TIN, 70 Han students were admitted to the Tibetan Language Department to prepare them to work as administrators in Tibet and Tibetan areas outside the TAR. This is the first time the university has enrolled such a group, and there are reports of tensions between Han students and ethnic Tibetans on campus.

Prostitution is a growing 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 at sites owned by the Party, the Government, or the military. Most prostitutes in Tibet are ethnic Han women, mainly from Sichuan. However, a substantial number of ethnic Tibetans, mainly young girls from rural or nomadic areas, also work as prostitutes. The incidence of HIV/AIDS among prostitutes in Tibet is unknown but is believed to be relatively high.

During the year, there were reports that TAR authorities were pressuring employers of ethnic Tibetans who were raised or educated in India to dismiss such employees, especially in the tourism industry. Lhasa tour agencies have been forced to dismiss ethnic Tibetan tour guides educated in India and Nepal. These guides were required to seek employment with the government's Tibet Tourism Bureau (TTB). Prior to gaining employment with the TTB, applicants must pass an examination on tourism and politics. Many, if not most, Tibetan tour guides educated abroad reportedly fail this exam. Tourist hotels and restaurants have been "encouraged" to dismiss ethnic Tibetan employees educated abroad, as well.

In October 1999, the official news agency Xinhua reported that the Tibet Autonomous Regional Television opened a Tibetan-language satellite television channel. 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. According to an NGO report, radio broadcasts by the Oslo-based Voice of Tibet were blocked starting in January. The signals of the Tibetan language services of VOA and RFA suffer from the same jamming of their frequencies by Chinese authorities as the signals of their Chinese language services. However, Tibetans are able to listen to the broadcasts at least some of the time.

The Internet has been open to the public since April 1999. At year's end, Lhasa had several Internet cafes, and estimates put the number of Internet users at several thousand.

Despite the designation of dozens of buildings in the old section of Lhasa as protected cultural heritage sites, there were credible reports during the year that some traditional buildings were destroyed. However, most of the protected sites have been preserved.

China's economic development policies, supported 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.

[End.]